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OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

TUESDAY, 28 May 1946.

COMMISSIONER:

Captain Tubridy.

THE SA.

(The Commission convened at 1100 Hours.)

MAX [redacted] JUETTNER, a witness, took the stand and testified as follows:

BY CAPTAIN TUBRIDY:

Q Will you state your full name?

A MAX [redacted] Juettner.

Q Will you raise your right hand, and repeat after me?

I swear by God, the Almighty and Omniscient, that I will speak the whole truth and will withhold and hide nothing.

(The witness repeats the oath.)

BY DR. BOEHM:

Q Where were you born?

A On January 11, 1888 in Saalfeld, Thuringia.

Q Are you married?

A Yes, since 1913.

Q Do you have any children.

A Yes, I have three children; two daughters and a son.

Q Are any of these children married?

A The daughters had been married and their husbands and my one son were killed in the war.

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Q What scholastic training did you have?

A I attended public school, which is kind of a high school.

Q Did you actively participate in the first World war?

A Yes, in foreign service as a professional officer from the beginning until the end of the first World war.

Q You were on the front, beginning with 1916 as an officer of the general staff?

A Yes.

Q Were you ever wounded?

A Twice, I was wounded, once in 1914 and later on in the west.

Q Did you have every opportunity to meet with the officers of the other side and converse with them?

A Yes.

Q On what occasion?

A I had such opportunity when questioning captured officers and particularly on an occasion at Macoing. Macoing was a place which lay behind the German lines and was very gravely defended by the British when the Germans made a counter offensive. The defending troops kept the place until the enemy was completely exhausted and they refused to surrender. Finally, when the British did not have any ammunition, they capitulated. I personally was present when the German Commander honored the brave British soldiers by permitting the British officers to retain their swords and give military orders to the captured soldiers and he had the German Soldiers present arms when the British soldiers passed by.

MR. MACE: This testimony is irrelevant to the testimony of the commission.

MR. BOEHM: I consider these remarks in order because the witness

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has been one of the highest SA leaders, he has been German Deputy Chief of the SA. I consider it relevant to have the witness explain his experiences which led up to his position.

CAPTAIN TUBRIDY: Let us get on in connection with the pertinent question of the SA for which the witness was called here.

MR. BOEHM: Did you have an occasion at a later time to meet officers outside?

CAPTAIN TUBRIDY: What connection can this question possibly have with the Commission?

MR. BOEHM: The connection of this question, which I pointed out, is that the witness was deputy chief of staff of the SA and is the highest officer of the SA which can be heard today.

CAPTAIN TUBRIDY: Let us go on with the testimony concerning the SA.

BY MR. BOEHM:

Q When you left the army, where did you go?

A When I left the army, by my own request, in the year 1920, I became a miner.

Q What was your relationship to your fellow workers in the mines?

CAPTAIN TUBRIDY: These questions are singularly irrelevant and I would like to ask when did you become a member of the SA ?

THE WITNESS: I became a member of the SA in 1933. I had been a member of the Stahlhelm organization up to that time.

CAPTAIN TUBRIDY: What positions did you hold in the SA?
A

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A I belonged to the so-called Flehringsamt and was the Chief of the Department.

MR. BOEHM: Mr. President, that was to be my next question.

CAPTAIN TUBRIDY: Very well, will you proceed?

BY MR. BOEHM:

Q What position did you hold in the SA after the death of Lutze?

A I was the leader of the SA after the death of Lutze until the new chief of the SA took office.

Q What rank did you hold in the SA when you joined after being a member of the Stahlhelm.

A I was a SA Brigadefuehrer of the SA.

Q You were a SA Gruppenfuehrer and leader of a SA group in 1939?

A In 1939, I was chief of the Hauptamt SA and an Obergruppenfuehrer of the SA.

Q Did you serve as a Volksturmleader in 1944?

A When the Volksturm was organized, I immediately volunteered as a simple Volkssturm man.

Q Did you hold any leading position as a member of the Volkssturm?

A Initially I did not, but later on I organized and led a fighting Battallion of Volksturm.

Q How long a period did you conduct that group and lead that group?

A Possibly from the beginning of six weeks before the end of the war until the end of the war.

Q What happened then to the Volksturm?

CAPTAIN TUBRIDY: The question is irrelevant to the SA organization.

MR. BOEHM: During the time you were an officer of the army, you

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were not permitted to be active politically. Did you later on become politically active?

CAPTAIN TUBRIDY: The question is irrelevant. Let us get on to the general testimony of the SA?

BY MR. BOEHM:

Q Will you kindly tell the court in what fashion you served as a member of the Stahlhelm.

CAPTAIN TUBRIDY: We are more interested in what the witness did as a leader of the SA particularly when he held the position of Deputy Chief of Staff of the SA.

MR. BOEHM: Do you know that the members of the Stahlhelm by an overwhelming majority joined the SA in 1934 and they were of the opinion that they had to defend themselves against the accusation of the exclusive guilt of Germany in regard to the World war?

DR. KEMPNER: I object. This question has been discussed in court and the guilt of one individual is in no way pertinent to the guilt of another individual.

CAPTAIN TUBRIDY: Mr. Boehm, may I call your attention to the order of the Court, which directs that this Commission only take testimony for certain purposes and that wide circulation was given to the work and type of testimony which might be taken before this Commission. I think you will have to carefully ~~place~~ phrase your questions so that you will stay within the limits set forth by the Tribunal as to what is considered relevant evidence by the Commission.

MR. BOEHM: It is my opinion, Mr. President, that the ideology of

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the Stahlhelm organization is yet to play an important part in the future proceedings. Approximately one million members of the SA came from the ranks of the Stahlhelm and it is my opinion that the court will admit, outside of this commission, testimony in regard to the Stahlhelm. I want to ask only two questions in regard to the Stahlhem. These two questions are: (1) Were the principles of the Stahlhelm organization to fight against the exclusive war guilt of Germany in regard to World War One and (2) Was it another aim of the Stahlhelm to fight against the Versaille Peace Treaty.

CAPTAIN TUBRIDY: Will Mr. Boehm please confine his questions to the SA?

MR. BOEHM: These questions have a bearing on the fact that one million members of the SA came from the ranks of the Stahlhelm.

CAPTAIN TUBRIDY: We are not interested in where the people came from before they were members of the SA, except how they became members of the SA. What they felt or thought before they were members of the SA is irrelevant.

MR. BOEHM: I would still like to request the admission of this question in regard to the one million SA men who had come from the ranks of the Stahlhelm and what were their principles in regard to fighting against the exclusive war guilt of Germany in regard to World War One and whether another aim of the Stahlhelm was to fight against the Versaille Peace Treaty.

CAPTAIN TUBRIDY: I still say you will have to ask a question regarding the SA - not a question pertaining to what the members did before they became members of the SA.

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MR. BOEHM: I would like to point out that the people represented in this organization represented about one fourth of the total membership of the SA.

CAPTAIN TUBRIDY: Will you confine your questions to those set forth in Paragraph 10 of the rules of evidence to be presented by the Commission?

MR. BOEHM: Yes, of course.

CAPTAIN TUBRIDY: In relation to that, we are only interested in what the organization's purposes were and whether the membership in the organizations was voluntary or by legal decree. Another point is whether the activities of the organization were known to the members when they became members or after they became members.

MR. BOEHM: By the prosecution, we are accused of a number of certain crimes, among them crimes against the church. We are accused of having fought and attacked the churches. May I ask the witness a question?

XXXXXXXX
BY MR. BOEHM:

Q May I ask you to state your present relationship to the church and may I ask you to tell the court whether you have adhered to your religious faith?

A Without interruption, I have been a member of the Evangelic Lutherian Church.

COLONEL JONES: I must object to that question. We cannot hear here your personal attitude toward a church.

CAPTAIN TUBRIDY: Since the witness has answered, we will permit the answer to stand

MR. BOEHM: Were the members of your family too loyal to the

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DR. BOEHM: That is true. The question which I directed in regard to his personal conviction to this witness is supposed to throw light upon his personality, because it is my conviction that is his personality inspite of four million members of the SA.

CAPTAIN TRUBRIDY: He will have to establish that first. Will you examine the witness, Mr Boehm, and ask him questions in regard to the activities of the organization, and not as to his personal beliefs.

DR. BOEHM: My question had no ---

CAPTAIN TUBRIDY: Will you please examine the witness.

BY DR. BOEHM:

Q What was your personal attitude towards the Jewish question?

CAPTAIN TUBRIDY: Will you change that question to what was the attitude of the SA as to the Jewish question, and it may be answered.

BY DR. BOEHM:

Q I will reframe the question now and say, what was the attitude of the SA towards the Jewish question?

A The attitude of the SA towards the Jewish question from the very beginning was absolutely identical with my personal attitude, towards the Jewish question. The SA opposed immigration of forces of Jewish faith from the East to Germany, and that position was, as I can state on the basis of my personal experience absolutely identical to that of an organization called Central Vevein Deutscher Staatsbuenger Judischer Glaubens, the Central Association of German Citizens of Jewish Faith. In that respect, or in that regard the SA was anti-Semitic, but it was strictly opposed to use of brute force, and was definitely opposed to the extermination of another people of another kind. It was, for example, well known in the SA that I had friendly relations towards a number of Jewish families, and that

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Church?

THE WITNESS: Yes.

CAPTAIN TUBRIDY: Are you pursuing the line of activity in connection with the activities of the SA and not to this witness' personal religion?

MR. BOEHM: I regret that I have not yet been clearly understood by the President of the Court. It is my opinion that the personal matters, opinions and convictions of a witness who for a time has been the responsible head of the SA are of course relative to the SS.

CAPTAIN TUBRIDY: We are only concerned with the activities of the SA.

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I gave them support. At no time have I been reprimanded for my attitude. Just the opposite,for example, Statschef Roehm, leader of the SA once said to me in the summer of 1933, he said to me in the presence of General Vander Goltz,"Then you particularly fought into that line which I am pursuing." He would be in a position to give numerous names of Jewish individuals,and Jewish families with whom I had such friendly relations.

DR. BOEHM:

If the court will admit it, I would like to request the mentioning of such names.

CAPTAIN TUBRIDY: No, it is unnecessary.

BY DR. BOEHM:

Q It is known that during the revolution in the Spring or early summer of 1933, as well as the night of the 9-10 November 1938, members of the Jewish faith had been mistreated and beatened. I am certain that you know of those incidents. Did the leadership of the SA take any steps in connection with those incidents. Did the SA leadership see to it that the people who had participated in that incident were prosecuted by the ordinary courts and punished for their participation?

A First, I would like to state that the leadership of the SA at no time by ordinary speeches or orders had been cited for instances of atrocities directed against the Jews. I don't deny that members of the SA have counteracted that position of the SA leadership, and such SA men have permitted crimes against people of other kind and against people of Jewish faith. Whenever the Chief of SA, or leadership of the SA learned of these incidents, then it most decidedly undertook steps against such action, and I can give innumerable instances that the SA leadership not only

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opposed acts committed against the Jews as such, but punished the participants in such acts, and took action against any SA man who was involved in any such incident. For instance, I learned of an incident which happened in 1933, in which a member of the SA named Schlaeger committed crimes against a Jew, who was immediately punished by the Chief of the SA, Victor Lutze. Another example which I did not mention relative to a shoe manufacturer, named Tack. In regard to the happenings of November 9, 1938, I know not only that the Chief of the SA, Mr Lutze, strongly opposed those incidents, but he issued most strict orders directed to his sub-leaders prohibiting participation in such occurrences.

CAPTAIN TUBRIDY: We will now take a recess.

(recess)

DR. BOEHM: Mr President, I do not want to discuss the case of 9 November 1938 now. I believe that my colleague, Mr Aschenauer will talk about that. I would like to ask the witness in connection with the following question. I would like to ask in connection with things that happened on 9 November 1938.

BY DR. BOEHM:

Q I'll ask the witness if he knows that the Sturmfuehrer Katzgrau, and Oberbannfuehrer Kraemer were handed over to the police for sentence?

A Yes, I remember the two were handed over to the police or court police for trial, and the sentence which was later on made official.

Q The prosecution also accuses the SA that it was connected with the guarding of concentration camps, and that it was connected with inhuman treatment which the concentration camp victims received there. What do you know concerning this?

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A They had no connections at all any more after the concentration camps and their organizations were turned over to the Reichsfuehrer SS. Quite before that in 1933 SA men were used in guarding the concentration camps,but not as SA men and not under the responsibility of the SA leadership. At that time also the responsibility was with the state departments.

Q When did you find out that in concentration camps the victims were treated brutally?

A I only heard of this inhuman treatment now after the end of the war.

Q Did you ever use your way for the release of prisoners from the concentration camps?

COLONEL GRIFFITH JONES: I object to that question. What this man did personally is not within the rule as to relevancy of evidence.

DR. BOEHM: Yes but what the witness did in his work as Chief of SA as leader.

CAPTAIN TUBRIDY: The question will be allowed if it is phrased to indicate what he did in the capacity as Deputy Chief of Staff.

DR. BOEHM: Yes, I would like for the witness to answer this question in that connection.

BY DR. BOEHM:

Q Did the Chief of Staff of the SA know about your activities sofar as that was concerned?

A Yes.

Q Then I would like you to name the persons for whom you requested these releases?

A I remember the State Secretary Puender,and Mr. Moeller, and Mrs. Koenig, and also various persons connected with the College of Jesuits in Pullach.

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DR. KEMPNER: In answering the witness disclosed he was still bringing personal actions on behalf of people who were finally in concentration camps, and does not have any bearing on the activity of the SA. The activity as such, therefore, I move and respectfully request to strike in the question and answer.

CAPTAIN TUBRIDY: I will permit the question and answer to stand. You may proceed.

BY DR. BOEHM:

Q Did you ever use your influence concerning the Pastor, Niemoeller?

A The influence I used I could only use in connection with my duties as an official of the SA, and also in the case of Niemoeller I tried to get him free.

Q Did you ever have any results in these activities concerning these concentration camp inmates?

A I later on found out through letters that my attempts were successful in some cases.

Q In your duties as SA leader, did you ever give any orders that certain persons be sent to the concentration camps?

A I personally, no, and neither the leadership of the SA; I can swear to that, and I want to emphasize that point especially. I know with certainty from all my co-workers of the SA leadership, we did not have any authority to send anybody to a concentration camp.

Q Would you explain to the court what was the build[redacted] up of the SA?

A Head of the SA was Chief of Staff. The Chief of Staff was the leader of the SA. I have here two sketches which I have drawn on the leadership of the SA, and I would like to ask permission to hand these over to you (presents to the court papers).

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CAPTAIN TUBRIDY: Have you prepared these charts yourself?

THE WITNESS: Yes. A friend of mine drew them, and I checked them.

CAPTAIN TUBRIDY: Do you state in your capacity as Deputy Chief of Staff of SA to know these to be true representations of the organization of the SA?

THE WITNESS: Yes.

CAPTAIN TUBRIDY: Has the prosecution any objection?

THE WITNESS: May I add something insofar as these sketches are concerned.

CAPTAIN TUBRIDY: Wait until the prosecution looks at them. Let the chart be marked Defendant Organization SA Nos. 3-A and 3-B. Exhibit
(attached at end of witness' testimony)

DR. BOEHM: He wanted to add something in connection with these sketches.

THE WITNESS: From the documents which I have seen, I will say I saw another sketch concerning the organization of the SA, and I say that those sketches are completely correct with my sketches, which I marked down when they were drawn.

CAPTAIN TUBRIDY: To what sketches does the witness have reference?

THE WITNESS: On the two sketches which I submitted I marked when they were valid; and the sketches and documents I don't have drawn up as I know they are available.

CAPTAIN TUBRIDY: To what sketches does the witness have reference.

DR. BOEHM: It was a sketch which was presented by the prosecution.

CAPTAIN TUBRIDY: In other words, does the withess says the chart concerning the SA ~~was~~ previously presented by the prosecution, ~~which~~ was examined by him and found to have been correct.

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BY DR BOEHM:

Q Who had the supreme command of the SA?

A The supreme commander of the SA was, in the hands of Adolf Hitler, the highest SA leader.

Q The prosecution presented a document in which it referred to a book of the organization of the SA, and from it states the Fuehrer directed their actions, and also directed other uses. The Chief of Staff represented the SA in the name of the Fuehrer. Now I would like to ask you the following: Did the Chief of Staff have any kind of leeway in the actions of the SA according to orders from the Fuehrer?

A I might answer this question with, yes. The Chief of Staff could appeal against the orders he had received, and in a certain leeway he could act individually.

Q Would you give us the chain of command in the SA. Whose orders were directives for the SA?

A In the first line of orders, the Chief of Staff. The units also had to obey certain orders of the political leadership. For instance, in the case of meetings, mass meetings; for use in the emergency service. In other words, only insofar as the scope of work was concerned of the political leaders, and if the Chief of Staff did not stand up against these orders, indicates he held them unnecessary or inappropriate.

Q Did the Chief of Staff have any influence upon the political decisions, and measures?

A Since the death of Chief of Staff Roehm, definitely not.

Q Did the unit leaders have any veto rights against the political leaders?

A When concerned political orders, of course, the SA Chief had veto rights.

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Q During the presentation of evidence, it probably would be shown that various measures inthe SA were connected and came from the political leaders. Under whose responsibility were these orders carried out then? They were orders about which the SA leadership did not know anything.

A The responsibility in that case was with the political leaders. If the actions that were demanded were illegal, and if the SA leader anyhow did the work required, he, too, is guilty.

Q Was there sufficient command of the SA to the police and to the army?

A No, unless, of course, the original SA men were drafted for police or army work.

Q Is it possible that the SA units were at times used by the police for big searching parties, and so on? Under whose responsibility were the units in that case?

A During the time they were used, they were responsible tothe police, since they were not consieered to be in the SA at the time,and were not considered to be the responsibility of the SA at the time.

A Even if you were not an SA man at the time, I believe that there are personal observations and knowledge that you can tell us who the first SA men were. From where they came and what kind of persons they were?

A The first SA men were front soldiers from the last war,and young idealist.

Q The prosecution states in the beginning of their indictment that there were terror gangsters in the organization,and I would like you to tell the court under what circumstances Germans could become members of the SA, or, what became of a person, according to his own statement, as member of the SA?

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A Terror gangsters were the SA men, never. They were patriots. We also among our men had a number of clergymen who until the end, together with me, defended the SA, and that it was not a group of terror gangsters. The SA man had to have two witnesses sofar as character and his past was concerned. Just the same as it was in the Stahlhelm. After 1933 when a large number of people joined the organization, I don't deny that lower persons were admitted to the SA, or were able to join the SA.

Q Did these men remain in the SA?

A No.

Q Did they ever get out?

A As I already have written in my memoirs, these men were expelled shortly after.

Q How strong was the SA in 1933?

A Around in 1933, about 300,000 men.

Q What in your opinion was the biggest number of members in the SA?

A Through the joining of the Stahlhelm, the Kyffhaevserbund, and the Werfolf, as well as a number of trustworthy persons, the number rose up to around 4,500,000.

COLONEL GRIFFITH JONES: What is the date.

THE WITNESS: That was when I entered the SA leadership in December 1934.

Q And was the entry into the SA basically voluntary?

A The leadership defended the principle of voluntary entry. I do not doubt but that some organizations outside the SA did use some pressure on its members to join the SA.

Q Did you know that the university students beginning with 1934, did not have any possibility of beginning or ending his duty without being a member of the SA?

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A I only heard that later on, but I would say that it was possible, that this was true.

Q Did you know that members of the Reichsfinanz School, that is, the war finance school, that upon their entry into that school, they had to become members of the Reichsfinanz Schule Stuerme of the SA?

A I know of that, but that pressure was not exerted by the SA leadership, but by the finance department.

Q There were riding SA groups, and it is said that these riding units of the SA originated as follows: That originally they were the socalled country riding groups, and in the course of coordination which took place in 1933 and 1934, these country riding clubs were given the alternative either to disband, or to join the riding groups of the SA, and I would like to ask the witness whether he knows of that happening?

A The following is known to me: The riding SA originated to a large extent from the country riding groups or associations. These were taken over by the riding SA, and the same way as the Stahlhelm. If any kind of pressure was exerted upon these riding groups, I do not know of it. Then the youngmen who were interested in the field of riding joined these riding stuermes, especially in the agriculture areas.

Q What conclusion do you draw from the fact that these riding groups there through political circles in 1933 and 1934 were made part of the SA riding groups?

A Because that should serve to bring about what was badly needed in the unity of Germany, because before 1933 in Germany there was fighting of everybody against everybody.

Q Do you think that these persons who had joined the SA, that they would have seen from the action of the SA they were a criminal organization ?

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A Never, especially the Stahlhelm never would have done that.

Q In 1934 the number of men, which at that time were 4,500,000, belonged to the SA was reduced as to what point, and when did this reduction take place, and in what manner, and what point of view was prevailing in this protection?

CAPTAIN TUBRIDY: I don't understand the point made. Are you trying to find out from the witness whether any reductions occurred, What ~~is he~~ are you trying to find out, the reason for the reduction?

DR. BOEHM:

A No, what method, and what way, and under what manner this reduction was taken care of.

CAPTAIN TUBRIDY: How it was reduced?

DR. BOEHM: Yes.

CAPTAIN TUBRIDY: Put it that way then.

THE WITNESS: The intention of the Chief of Staff Lutze was to reduce the number of SA men to 1,500,000. He first removed those that were not quite clear, or were not quite well known sofar as their character was concerned. The next group to be released honorably was those men that were only SA men according to paper but never took part in any of its duties. The third, all leaders had to take examinations, and those that did not pass the examination were released from the SA.

Q Were any occupational handicaps connected with this removal from the SA?

A Only if a person was guilty of anykind of a criminal action against the form, or list. If there was any kind of handicap, then the head office of that occupational region by the employer of that person calls up to be informed as to why the person was released from the SA.

Q Now I would like you to inform the court as to how the SA developed locally?

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A The SA was created in various parts of Germany at various times, usually after the necessities that were prevailing. Exactly like the Sturmbanne, and other patriotic units, or groups of the National Socialist Party that was attacked by political enemies. The urgent necessity was evident since the state police was not sufficient for protection to create such a self-defense unit. In my memoirs which was presented to the high court, I have made various sworn affidavits concerning these cases which were taken down, these affidavits by the CIC. These affidavits were taken down entirely by me, and prove that it was always the other organizations that were attacking units, or attacking groups, and that such necessity of the SA as a defense group was necessary.

Q We will talk about this necessity later on. The thing I want to ask you now about is xxxx of you yourself as an officer. Where one joined in the organization of the SA, which had a purely local character, one could draw a conclusion that it was here a matter of organizing a semi-military unit.

A The SA did not have any military character. The fact which I can prove is that the SA did not have any military character, and did not desire to have it, and I can prove that by various records.

COLONEL GRIFFITH JONES: I think that for sometime the witness appears to have been reading his answers from a document which he holds in his hands.

THE WITNESS: I could present these papers I have here to the court. They have nothing to do with any questions that were asked sofar, but I would like to answer here everything in detail. After my own arrest I c can not remember everything, and on things of that nature I made nots.

CAPTAIN TUBRIDY: Will you explain to the witness we want his own testimony, and not something he is reading from the paper.

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THE WITNESS: I would like to say that these notes here are my own thoughts, and I only wrote them down in order not to forget anything in case any of these questions came up.

CAPTAIN TUBRIDY: Will you please answer without reference to your papers.

THE WITNESS: I shall answer without using the papers. If I have to look up one of the other thing as to the examination, I don't know.

DR. BOEHM: Mr President, I would like to make it clear that I did not give the witness any questionnaire.

CAPTAIN TUBRIDY: I don't think there was any intimation that you did. Dr Boehm

DR. BOEHM: But I would like to ask the court that if the witness has made notes to help his memory, that he be allowed to use these notes.

CAPTAIN TUBRIDY: Please try to have the witness testify from what he knows without reference to any notes he may have.

BY DR. BOEHM:

Q There is one question that has not been answered. How is it that the organization of the SA was divided into such units as the Stuerme, the Sturmbanne, and the Standarten. Was it because the military character, or was it for reasons of grouping these people sofar as numbers were concerned?

A The comparison between Stuerme (company), Sturmbanne, Battalion, Standarten, and Regiments, is often drawn, but it is completely incorrect. These Sturmbanne were purely local groups. There strenth was completely different in various places. There was a Stuerme with fifty men, and some with two-hundred and fifty men, dependant on the density of the population, and the local conditions. Their equipment, I want to say, was ridiculous. As to their duty, they were called upon, and it was purely voluntary, and would make any comparison with the army or the Wehrmacht

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seem ridiculous.

Q Only one further question concerning this paragraph. Did the rank of a Gruppenfuehrer, or a Brigadenfuehrer have any importance when that individual was drafted into the army?

A No, not in the least. There were various Gruppenfuehrers that were not soldiers at all. On the other hand many SA men were officers before who served in the SA as regular SA men.

DR. BOEHM: Mr President, I would like now to start a new series of questions, and I would suggest that this would be an ideal time to take a recess.

CAPTAIN TUBRIDY: Very well, adjourn until 1400 hours. How many more questions do you have?

DR. BOEHM: It is very hard to estimate the number of questions. I would say that among the things I have to ask the witness are, for instance, the propaganda of the SA, which is mentioned on virtually every page of the indictment, as well as the controversies between the various organizations, and the prosecutions accusation that the SA consisted of gangsters, so I will say this questioning will take some time.

CAPTAIN TUBRIDY: About how much time.

DR. BOEHM: I would say that for my personal questioning I will take virtually the entire afternoon. I shall ask only concerning the propaganda of the SA, and it was decided that I shall ask about these two things, and I will not get through with my part of the questioning of this witness before the end of the afternoon. I shall try to make it as short as possible.

CAPTAIN TUBRIDY: All right, we will adjourn until two o'clock.

(A recess was taken until 1400 hours)

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(The hearing reconvened at 1400 hours, 28 May 1946)

MAX JUETTNER - Resumed
DIRECT EXAMINATION - Continued

CAPTAIN TUBRIDY: I believe you may proceed.

DR. BOEHM: I am now going to ask the witness concerning questions of propaganda, an act which the SS has been accused of by the Prosecution, that it was an active part of the propaganda to instill National Socialist ideas and ideals, and that it was using it's propaganda powers in connection with the invasions of foreign countries in bringing about wars and the crimes against humanity.

BY DR. BOEHM:

Q. Witness, since 1935, the SA was once again a legal party, as well as it's organizations. I would like to ask you whether from the positions taken by the party's leaders and that of it's affiliated organizations, one could draw the conclusion that the unit or the organization was an anti-social group or a criminal organization?

A The reason for the N S D P and the goals of the N S D P could never be suspected of being criminal. It is known that the S A was helpful to the party in obtaining the power within the country without a doubt.

Q The indictment charges that the original SS men were fanatic Nazis or fanatic members of the National Socialist Party. Maybe you can tell us why and what the reason was that men united themselves in a block in 1921, or earlier,

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in a block such as the SA. Maybe you can give us reasons, your opinion of ~~xxxxx~~ thos e reasons, the time which was maybe even before 1921?

A The answer to this question in my opinion would be best seen from the observation and development of all Germany at that time. I made in my memoirs, I believe it was paragraph 22, I described the conditions that Germany was in at that time. From that paragraph one has to see the wish of the German people to unite at that time and a wish to end all of this suffering and need.

Q The main reason was the revolution which took place in Munich at that time, which was organized by the left wing group?

A It was not just the Revolution in Munich,but riots and disunity sprang up all over Germany, and it was the fight among the various parties.

Q In your opinion, did the Kapp-Putsch for the occupation of Frankfurt and Darmstadt by the French have anything to do with it?

A All of these occasions played a very big role. In addition to that there were riots and uprisings in upper Silesia, and the riots in the Rhineland. The political parties and the ~~xxxxxxx~~ parliamentary parties, and both parties outside of the parliament, each one had it's own ~~xxxxx~~ self-protection group. This disunity went down as far as into families in which father and son were opposing

H0918-0026

each other. It was a terrible disunity all over.

COLONEL SMIRNOV: I don't think it is necessary that we hear before this Court the same statements that are made in the propaganda books of the National Socialist Party, and it seems to me that according to the tenth paragraph of the rules of questioning, that the defense has to be in some way curtailed in asking such questions.

CAPTAIN TUBRIDY: Mr. Boehm, could you have this phase of the activity of the Nazi Party kept as brief as you possibly can because it really doesn't have a great deal of relevancy.

DR. BOEHM: Mr. President, I believe that if we cannot be here allowed to discuss in detail the origin of the National Socialist Party, and the reasons thereof, so far as the individual was concerned, if we cannot discuss that here, I believe it will have to be done before the Court:

COLONEL GRIFFITH JONES: May I suggest that such should be left to the Tribunal, and the Tribunal can make their ruling on it. There is nothing in all of this ancient history which can be said to be relevant to the ruling of the Court.

CAPTAIN TUBRIDY: Will you please instruct Mr. Boehm that the Tribunal has already given it's order as to what type of testimony shall come before this Commission, and it is contained in paragraph 10, and that is the basis upon which testimony shall be taken.

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DR. BOEHM: I thought since the witness probably will be questioned by the Court very shortly, it would be advisable to discuss these questions rather fully right here so that before the Court it will take less time.

CAPTAIN TUBRIDY: Mr. Boehm, you have already been advised this phase of the witness' testimony shall also be as brief as possible and I think for the interest of all concerned we will have no more discussion on the matter. If you have one or two more questions you may put them, otherwise I think we should go on to more pertinent matters of the organization itself and not it's origin.

M. MONNERAY: I think the Tribunal has already ruled as to interrogation of defendants as witnesses, and the Tribunal has not allowed any testimony as to the origin of the Nazi Party, and the Tribunal refused all history of the Nazi Party on the behalf of the defendant, so I think what should be applied to the defendants has to be applied for the same reason to witnesses here.

DR. BOEHM: May I continue?

CAPTAIN TUBRIDY: Yes.

BY DR. BOEHM:

Q May, I therefore, Mr. Witness, State that due to the conditions of the need and suffering which resulted from the losing of the last war, and would you say that the suffering and the need by the individual was strong enough to form or to group them, the veterans of the war and

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other thinking persons, to group them together in a unit like the SA?

CAPTAIN TUBRIDY: The question is improper. Will you proceed with the next question. It is not considered relevant.

DR. BOEHM: Does the Commission not allow any more questions in that connection?

CAPTAIN TUBRIDY: No, we must get along, Mr. Boehm. Please confine your questions within the terms of the order as defined by the Court, what the Court considers relevant questions to be.

DR. BOEHM: You consider that question irrelevant?

C CAPTAIN TUBRIDY: Yes.

BY DR. BOEHM:

Q Who selected these propaganda speakers?

A The Reich Propoganda leaders ordered or selected the propaganda speakers.

MR. MASE: This question is quite general and is an incomplete question as to what kind of propaganda speakers.

DR. BOEHM: The propaganda speakers in general.

CAPTAIN TUBRIDY: You might also mention the time of which he is speaking, what period of time.

DR. BOEHM: The time is for 1921.

BY DR. BOEHM:

Q Could you tell me who selected the propaganda

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speakers and what the text of these propaganda speeches was as a rule?

A One has to differentiate between propaganda measures such as by speakers for the party, and secondly, the propaganda as it was done by the SA. This general propaganda was not supervised and was not directed by the S A, that is, the speakers were not. These speakers drove around the country and spoke during meetings. The contents of these speeches in general were the goals of the party program. It will be too much to speak of a propaganda of the SA by itself. The SA, however, did carry out propaganda to recruit members for it's organizations. Secondly, to strengthen the ideas of community and comradeship, and it also made propaganda speeches, the SA as well as the Stahlhelm, in all other patriotic units, as well as all other parties all the way to the left wing party. All had certain propaganda against Germany losing in the war, and finally the propaganda always asked for a revision of the Versailles Treaty by peaceful meetings or consultations. That was about the main point of the propaganda by the SA, and this carrying out of the propaganda was done by mouth to mouth propaganda, talks, marching and meetings in which small speeches were held by SA leaders on patriotic holidays or similar occasions, as well as in the teachings of the SA.

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Q In those small party speeches did the SA leaders speak against the Church through orders from the SA leaders?

A The Church question did not play any part in the speeches or propaganda of either the SA or the party.

Q Didn't those speeches upon occasion by the higher SA leaders make attacks on the Jewish matter?

A As far as I know there were no regulations at all in the SA concerning the Jewish questions and no orders concerning the patriot and fight against the Jews. I do admit that in the SA paper "The SA Man", in various articles speeches of an anti-semitic nature occurred.

Q During these speeches upon the request of the higher SA leaders, were they supposed to have a semi-military attitude concerning the Youth in order to prepare them for a futnre offensive war?

A No, never.

Q What was the original idea of the SA in connection with these election matters?

A I believe I answered that question before. The SA was created as an absolute necessity of self-defense.

Q What was the reason for the actual necessity?

A I lived in the Central German Industrial area after 1919 and we almost daily saw members of patriotic groups or organizations being attacked. When patriotic meetings took place ----

H0918-0031

CAPTAIN TUBRIDY: Are we back in 1919 and 1920 again?

DR. BOEHM: In 1921.

CAPTAIN TUBRIDY: Let's move on. We have had this witness half the morning and well into the afternoon and we have not progressed at all.

DR. BOEHM: You cannot look at it this way because this morning we already discussed questions which were as far as 1945, and which will not be touched upon any more. The SA is accused of having terrorized other ~~thinking~~ thinking political groups and units. I want to prove by this witness that the SA was organized in order to have a defense against the attacks of the other political organizations.

CAPTAIN TUBRIDY: Why ~~doesn't he~~ don't you ask the witness that? (latter part of your statement)

DR. BOEHM? I just did that.

BY DR BOEHM:

Q Mr. Witness, will you please answer this question? What was the actual reason for organizing the SA in connection with election meetings.

A The reason for organizing the SA was so that the parties could hold it's election meetings peacefully. The party meetings had been attacked numerous times, a fact which can be proved by questioning various witnesses or individual SA men.

H0918-0032

Q Isn't it true, especially in the Central German Industrial area where you were, that it was impossible for a National Socialist speaker to speak during a meeting unless he had a technical backing by a certain group of National Socialist party members?

A Yes, that is the way it was. In Central Germany alone we of the SA and the Stahlhelm had forty three dead and who died during attacks.

Q There was a state police at that time. Did it not guarantee the safety of the carrying out of these meetings?

A The police on one hand was too weak and on the other hand some of the members were not unified, and some of the members of the police were in support of the terrorists and some of the others tried to uphold law and order.

Q In other words, wasn't it possible for the police to preserve law and order in these election meetings of the N S D P?

A No, generally it was not able to do it.

Q In other words, there had to be created an organization by the parties for the protection of the parties and the meetings to an extent which the police were not able to do?

A Yes.

Q Who was the attacking unit or attacking group during these election meetings? Reason would make us be-

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lieve that the already organized groups would be the attacking ones?

A The attacking groups, and I can say without any exaggeration, was the enemy group. The SA ~~xxxxxx~~ wasn't armed. The SA was previously searched for weapons and the enemy was not. The enemy had far larger numbers. It was because of Himmler through his attacks on patriotic meetings that the SA was created.

MR. MASE: Mr. Commissioner, excuse me for interrupting. I think the consideration of these political speeches covering the years 1923 and 1924 has nothing to do with the criminal organizations.

CAPTAIN TUBRIDY: Can't we get on, Mr. Boehm, with this phase of the questioning?

DR. BOEHM: The SA has been accused that it attacked unarmed persons and I think it is my duty to bring out through this witness that the SA was not armed.

CAPTAIN TUBRIDY: Why ~~doesn't he~~ don't you ask the witness initially whether the SA was armed or not.

DR. BOEHM: I want to bring out/the fact ~~fixxx~~ that the SA was prohibited by the SA leaders to carry any weapons. This question will come now.

CAPTAIN TUBRIDY: Can we move along?

DR. BOEHM: As to whether the SA was armed or not?

CAPTAIN TUBRIDY: Can't/we move along, other than the early phase of the SA, it's early existence?

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DR. BOEHM: If I cannot make these points I will not be able to ~~xxxxxxxx~~ disprove, if I cannot question the witness on these points I will not be able to disprove the charges of the Prosecution.

CAPTAIN TUBRIDY: I fail to see what you are going to reveal in these 1919, 1920 and 1921 happenings a great deal of what he has been charged with.

DR. BOEHM: But the fact that the SA was not allowed to carry weapons was not just the years 1919, 1920 and 1921, but up to the year 1933.

CAPTAIN TUBRIDY: You certainly haven't indicated that in all of this line of testimony. Dr Boehm

BY DR. BOEHM:

Q Would you please explain to me, answer the question whether the SA was authorized to carry any weapons until the year 1933, and would you please tell us whether ~~xxxxx~~ there was not an order, a general ~~xxxx~~ law prohibiting all organizations from carrying such weapons?

A First of all the SA had strong orders from Adolph Hitler not to carry any weapons. The Sturm leaders themselves searched their men before any kind of a march or meeting in order not to get into any trouble with the police. The reasons given by me for the creation of the SA were not just concerning the years 1919 and 1923, because in my area

H0918-0035

the SA was not formed or organized until the years 1927, 1928 and 1929, each time for the same reason, that is self-defense, that is when, in the years that I mentioned before, there was a necessity in these areas.

Q Therefore, what do you say to the point of the Prosecution that the SA had attacked innocent and unarmed people?

A That is not true, but I might add when we were attacked we answered back.

Q Did the SA propaganda use any unlawful methods?

A In no case.

Q In other words, the SA propaganda concerned only SA matters?

A I don't want to say yes or no to that question. The propaganda of the SA is very similar in points to the party's, and above all we tried to propagandize and create a comradeship and unity.

Q The Prosecution has presented a number of newspapers which were supposed to be propaganda papers for the party, among them, the "SA Men". What connection was there between the newapaper, "The SA Man" and the highest party leadership?

A If I remember correctly, the newspaper of the SA, the "SA Man" carried the headline: "The Official Organ of the SA Leadership." In reality that was not the case since the paper was an individual paper just like any other and belonged to the Eher Verlag Publication Company. The

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newspaper had an editor who was independent from the SA.

Q Was it a private newspaper or a paper that was kept by the SA leadership?

A It was a paper just like any other, only that it was brought out once a week and belonged to the Eher Verlag Publication Company. The SA leadership did not have any important influencex upon the contents of the newspaper.

Q Is it true that the paper "The SA Man" was considered a glamour sheet in the circles of the SA?

A Yes, that is right.

Q Was there any compulsion to buy it, "The SA Man" by members ex of the party?

A No, if I remember correctly about 200,000 copies were printed and the strength of the SA wasone and a half million. It sometimes happened that not even the Sturm had a copy of the newspaper.

Q Isn't it right this paper was prohibited by the Fuehrer?

A Yes.

COLONEL GRIFFITH JONES: Which paper was that, the SA Man?

INTERPRETER: Yes.

BY DR. BOEHM:

Q Did any other papers exist that propagandized in the name of the SA or for the SA?

A We later on had a paper which was not published

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officially, the "Der SA Fuehrer" or S A Leader. Then there was one called Kampfschriften, and it ceased after a few months. First of all the contents were in no way what the SA leadership wanted, and these things were read by almost nobody. I, for instance, don't know them. There were supposed to have been five thousand copies printed.

Q There was another paper called the Die Sa, and was your relationship to this paper the same as it was to the "SA Man" or were there other conditions prevailing in this case?

A Yes, it was a different idea. The Die Sa was published during the war and it was chiefly a liason paper between the man at home and the SA men that were in the field.

Q Before discussing the paper and the order prohibiting publication thereof, of the "SA MAN", do you know what happened to the Editor?

A The Editor was dismissed and he was supposed to be removed by the SA but the beginning of the war stopped these proceedings.

Q Would you please, witness, tell us of the thoughts of the SA men and their families, about their attitude toward different thinking political persons?

A Until 1933 the SA was on the defensive against these inner political enemies, and after 1933, upon order from

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Roehm the party of the SA was asked to give the hand of peace to it's former political enemies in order to create union, and not only individual persons, but entire groups were taken into the NSDA after the time of 1933 when requested.

Q Isn't it also true that people of other political ideas were taken into the SA and there had a terrible effect upon the group?

A That is true. To that the answer can be found in the sworn affidavits in my memoirs as well as in actual German Courts of Record.

Q Do you know that the SA men in their capacity as SA men committed any war crimes?

A May I ask what I am supposed to consider war crimes?

Q I cannot think of any possible way from my talks with other SA men but by the Prosecution the SA has been accused of certain war crimes, and I am wondering whether your duty as a leading SA member could give some kind of information about that?

A War crimes were not committed by the SA. The SA from it's highest staff down to the Lowest SA man, to the last man and so I can easily believe why we believed that, — —

CAPTAIN TUBRIDY: We are not interested in his reasons.

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BY DR. BOEHM:

Q The SA has been accused of crimes against humanity. Now individual crimes against humanity by individual SA men ~~xxx~~ have been proven by the Prosecution as far as 1933, and a few cases in 1932, and also a few in 1931, in which members of the Jewish faith were mistreated and beaten. But this only concerns a ~~fery~~ few incidents in 1933, and even in 1938 a very low percentage of SA men took part in the demonstrations. I would like to ask you whether these men acted on behalf of the SA leadership and if the SA leadership allowed such crimes or such incidents by SA men?

CAPTAIN TUBRIDY: Before that question is put, do you, counsel, concede that these offenses were committed by members of the SA?

DR. BOEHM: Yes, as far as concerned certain cases.

CAPTAIN TUBRIDY: The answer was yes?

DR. BOEHM: Yes, as far as the cases are concerned upon which sworn affidavits have been brought out by persons named, GLauber, Geist, Sollman. In these cases ~~xxxxx~~ there were concerned about eight or ten SA members.

CAPTAIN TUBRIDY: The witness may answer defense counsel's previous question.

THE WITNESS: The SA leadership did not order nor allow any crimes against humanity. The SA as an organization, and I can call ever single SA man as a witness, did not

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participate in any crimes against humanity. Wherever, the SA heard of riots or mistreatments by individual members it dealt out strong sentences.

BY DR. BOEHM:

Q Did it also hand out sentences in the cases that took pla ce in 1938?

A It, itself, punished offenders, as well as various civil courts.

DR. BOEHM: Mr. President, I would like to ask about four or five questions about the social work of the SA. They are very short questions and they can be answered in very short answers.

CAPTAIN TUBRIDY: Very well, proceed.

BY DR. BOEHM:

Q The SA did do social work and I would like to have those statements confirmed, especially as far as the Wintergiltswerk program is concerned.

A The SA always helped in the collection for the winter health program,

Q Did you hear and do you know that the SA has created recuperation homes?

A Yes, the SA had various recuperation homes for members who were sick or SA members that were injured in industrial accidents.

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Q Please give a statement of the settlement program of the SA.

A The SA created a so-called Dankopfer der Nation, an expression of gratitude by the Nation. For that money was collected from the SA men and from that money apartments were built, one-third of which went to SA members, and one-third of which went to members of other organizations and one-third to people who did not belong to any party. This was left to conductors by SA Obergruppenfuehrer Oberlindober of the organization of the disabled veterans.

Q I wish you would make a statement concerning the honor ranks of the SA?

A The honorary members of the SA did not have anything to say in the SA. They only wore the SA uniform. They had the right in the case of meetings and demonstrations to wear that uniform. The rank that was given to them was more or less an honor or degree for the work or for the duress that they had. They did not have any rights to in any way influence the SA and were not informed by the SA leadership of current developments.

Q I have heard from a number of SA men that I have questioned that the defense in the SA was not merely the same as it is in the army, but that the promotion of members in the SA was not done through the work that was done by the individual, but rather by the time spent by an individual

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in the SA, is that right.

COMMANDER FELTON: If the Court please, that question is very leading and certainly objectionable in it's present form it seems to me.

CAPTAIN TUBRIDY: Mr. Boehm, do you have any more questions along this line?

DR. BOEHM: No, I just want to clear this and one more question.

CAPTAIN TUBRIDY: All right you may answer it.

WITNESS: For the time before 1933 I cannot answer the question. After 1933, not time, but actual work and efforts of the individual SA leadership was responsible for their promotion. If two were present with the same amount of work, then the time in the organization was the deciding factor. That was the general principle upon which we worked.

BY DR. BOEHM:

Q Was it possible that in one Sturm there were five, six or seven sturm leaders?

A Yes, that was possible.

Q That there was also at the same time ten Scharfuehrers and twenty Ober Scharfuehrers?

A Yes, that was also possibly but only one leader or Scharfuehrer in the Sturms and the others, even though they had the same rank, were under him.

Q Was it possible that in a Sturm there was no Scharfuehrer SA there was just a simple regular SA man?

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A Yes, it was possible, if a group had not received any young replacements that such a case could have happened.

H0918-0044

Q Is the book of Rosenberg known to you?

A I never read it.

Q I mean the "Myth of the 20th Century"?

A I did not read it!

DR. BOEHM: I would like to ask the permission of the Court that the further questions ~~xx~~ to this witness be asked by my colleage, Mr. Aschenauer. I talked to Col. Neave in that connection and he told me that there was no objection.

CAPT. TUBRIDY: How much time do you think you will need, Mr. Aschenauer?

MR. ASCHENAUER: It will take a long time. I suggest a recess at this point.

CAPT. TUBRIDY: Well, about how long.

MR. ASCHENAUER: Four hours.

CAPT. TUBRIDY: I am afraid ~~you~~ that will have to cut ~~that~~ down.

MR. ASCHENAUER: I can try.

CAPT. TUBRIDY: We will take a recess for 10 minutes.

(A recess was taken.)

BY MR. ASCHENAUER:

Q What was the importance of the SA after the seizure of power by the Nazi Party in the ~~xxxxxxx~~ inner political sector of German life?

A To answer this question I would like to use a quote from Stabschef Roehm, which was used by him repeatedly. Roehm used to say to the men of the SA, "Now, we must justify that ~~xxxxxx~~ confidence which the SA has gained among the German people." He continued to say that it was the task of the SA to deepen the root of communion, and to be a follower of the State machinery. Also, in the fight against resistance movements. . .

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Q The Prosecution has submitted a document, which carries the number PS-392. I am quoting from that document:

"SA or SS respectively is to be used for the occupation of the buildings of the Trade Unions, and for taking into protective custody the individuals concerned."

Will you please clafify the actual effects relating to that?

COL. JONES: Just a moment, pleasd, I don't know what that document is.

CAPT. TUBRIDY: Mr Aschenauer. Have you got a copy with you?

COL. JONES: Oh yes, I have it. I am so sorry.

CAPT. TUBRIDY: Mr. Aschenauer, will you show that to the witness and ask him if he has seen that document before?

(Mr. Aschenauer shows witness the document in question.)

WITNESS: May I answer?

CAPT. TUBRIDY: Have you seen the document before?

WITNESS: I did not know the document before. Up to now, I did not know who issued the order. It is a matter of fact that in March, 1933, there was expected an uprising against the new administration of Germany. The slogan in all industrial districts was "Beat the Fascists wherever you meet them."

The main points of resistance for that movement were the buildings of assistance the Trade Unions. There prevailed a general tendency to crash those Trade Union buildings and among other organizations, the SA and SS were used for that purpose. The reason for such a measure was that the police force was not considered reliable for that action and that mistrust was placed on the police on the basis of experience in the past years.

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As far as I know, the orders for the occupation of the buildings of the Trade Unions were issued partly by the State authorities, and partly by the Party authorities. Such orders were issued to frustrate, from the very beginning, the threatening uprising. The order for the use of SA forces for that purpose was not issued by word but was approved by word. After the capture of the buildings of the Trade Unions, the SA units in most cases were retired immediately on the same day.

Q Who originated the dissolution of the Trade Unions? Was it the job of the SA leadership, or did the order emanate from the SA leadership?

A Most certainly the orders for the dissolution of the Trade Unions were not issued by the SA leadership. Certainly not by Roehm. I can only suppose from whom that originated.

Q What was the motive to dissolve the Trade Unions?

A The Trade Unions were partly a class organization. It was the intention of Dr. Ley to create the Deutsche Arbeitsfront, an organization composed of people who were engaged in any kind of undertaking, both employer and employee, because he wanted to create a unified front of working people, and therefore he desired to dissolve the Trade Unions.

Q You stated before that they had issued their members armament? Were any of these arms ever found?

A Yes, there are instances of captured arms, and those arms were particularly requested by and turned over to the police.

Q How could it happen that in completing this campaign the impression was created that it against the Trade Unions was carried out exclusively by the SA and not the SS?

A At that time the general uniform for all belonging to the Party was the same. It was a brown shirt, and it was the same uniform cap. The SS

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was only distinguished by a black ribbon. Whereever such brown shirts made an appearance, the impression was created that it was the SA, even if the SA didn't participate at all.

Q Did the SA derive any financial advantage from the confiscation of the property of the Trade Unions?

A I believe that I can most certainly answer that question in the negative.

Q Did the SA perform any other confiscations?

A Yes, I know that the Sa confiscated the property and installations of athletic associations of political enemies.

Q And who issued the orders for such measures?

A That, I don't know .

Q And what were the motives?

A The motive was, in all cases, to frustrate any resistance movement.

Q Did the SA derive any financial advantages from such measures?

A No, the funds were always turned over for public funds and I happened to have come across a court sentence referring to such an instance. In that instance, members of an SA formation who wanted to fetain funds, not for themselves, but for their SA formations, were punished by high fines because they had made that attempt. The individual was Obersturmbannfuehrer Hill, who belonged to Sturmbann 308. Also, Hauptsturmfuehrer Schaller. The sentence was pronounced by the Court at Dresden. I myself know that Schaller submitted an appeal for pardon to Stabschef Lutze, and Lutze refused to grant that pardon.

Q Is the transfer of the Trade Unions to be interpreted as a revolutionary measure? If one has in mind, for instance, the transfer of the Unions as it took place in the cities of Halle or Cotbus, would that apply?

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A I am in no position to express opinions here. Such a transfer was considered by Dr. Ley merely as a revolutionary measure. I only knew that the SA leadership had nothing to do with the initiating of that transfer. As a matter of fact, I might state, however, that in some places, and I might add, that at that time I was still engaged in mining and had good connections with the Trade Unions in those places, I might say that the transfer was accomplished without any friction , and officials of the Trade Unions were taken over by the new set up in most positions.

Having read the indictment, I noted a few names of secretaries of Trade Unions who had been transferred from one set up to the new.

Q Could you mention a few names?

A Hesse, Kolh, Kubach, and Holzapple. These are four names which I remember from the city of Halle.

Q What was the position of the chiefs of Staff of the SA in regard to the transfer of the Trade Unions?

MR. MASE: May I call attention to the Commissioner again that the witness is using notes.

CAPT. TUBRIDY: Could we please have your testimony without the use of your notes?

WITNESS: I was permitted, this morning, to testify as far as possible without using my notes. I used my notes only when I used my glasses, because I could not read them without my glasses.

CAPT. TUBRIDY: We would like to have you testify without the use of your notes.

BY MR. ASCHENAUER:

Q What attitude did Stabschef Roehm take in regard to that campaign of which we have been speaking?

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A Stabschef Roehm took, in that matter, a position entirely different from that taken by Dr. Ley. Roehm desired to gain the Trade Unions and not to destroy them.

Q In that connection, therefore, there existed a terrible conflict between Ley and Roehm?

A Yes.

Q Did that conflict of opinions have an influence also on the Social program of the SA? I mean, what kind of a social program did Roehm wish to realize?

A It was the desire of Roehm to gather all forces on a social basis. . .

M. MONNERAY: We are not dealing with the social program of the SA or of any organization.

MR. ASCHENAUER: May I point out first that the indictment has dwelled on the subject of the occupation of the Trade Unions. Secondly, the indictment claims that the Nazi Party, or the SA, is for one common unity. For this reason, the defense must be permitted to disprove those points of the indictment. For this reason, I have to dwell on conflicting points of view in the Nazi Party or one of its sub-organizations. I have to do that also in connection with documents I am presenting because as a last witness, I wish to present a man who will show the terrible conflict among personalities in the Party. These conflicts were not only of a personal nature, but were also of deep thought.

CAPT. TUBRIDY: I do not think that matter is an issue.

MR. ASCHENAUER: To what matter are you referring?

CAPT. TUBRIDY: To these deep political differences in the Nazi party.

MR. ASCHENAUER: I have to put those questions because in connection with the case, [redacted], the little importance or the lack of all importance of the SA

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is to be proven.

COL. SMYRNOW: Do you really believe that the psychological discussion relating to the case of Roehm has anything to do with the case which we have to decide right now?

CAPT. TUBRIDY: Could you confine yourself right now to the issues with which the SA is charged?

MR. ASCHENAUER: May I say that my questions have a definite relation to the charges of the indictment. The first charge is that the SA has been a tool of the conspiracy in the struggle for power during the years 1921 to 1933, and that it was merely one phase in that proposed conspiracy. The other is the offensive war in Europe. For that reason, all hostile forces had to be eliminated by terror. The social program of Roehm is in relation to that, therefore I ask, what was the attitude of Roehm to all of these questions?

We are concerned here, not with psychological questions, as the Russian Prosecutor states, but we are concerned with factual questions. I therefore must ask for an answer to my question.

CAPT. TUBRIDY: Can the defense counsel point to what question of the Prosecution's case he is trying to reply in these questions?

MR. ASCHENAUER: I am referring to the resolution of March 13, 1946, Chapter 6A, No. 1 and 2.

CAPT. TUBRIDY: MR Aschenauer I said, to what paragraph of the Prosecution's case.

MR. ASCHENAUER: The problem of the Trade Unions. It states . . . "One common unity . ."

CAPT. TUBRIDY: Can you give us the reference at to what page of the record of the Prosecution's case does this matter appear?

H0918-0051

MR. ASCHENAUER: I do not have it right here. The indictment charges that the Nazi Party and the SA fought one common unit, and that would mean they had one common goal and purpose.

CAPT. TUBRIDY: You have not answered my question. Can you, or will you, give us to the number of the page in the record which this matter is referred?

MR. ASCHENAUER: To that point of the indictment which charges that the SA and Party formed one common unit.

CAPT. TUBRIDY: Mr Aschenauer ~~For the third time~~, I have mentioned the record, not the indictment. Will you please listen to the question? I would like to know where you can point to this matter in the record in the Prosecution's Case? Do you understand what is meant?

MR. ASCHENAUER: Page 1527 of the minutes of December 18.

MR. MASE: Is that the German text?

MR. ASCHENAUER: Yes, the German text. Page 1527 of December 18. I quote:

"Uniform purposes and goals. . ."

COL. SMYRNOW: What is the connection between the common coup d'etat and the purpose and goals?

CAPT. TUBRIDY: Mr Aschenauer. Can we ~~Will you just~~ confine the discussion to one thing? We are trying to find out what the Defense Counsel is trying to prove. What does the rest of that section on Page 1527 say?

MR. ASCHENAUER: ". . .The Chief of Staff of the SA is the representative of the Fuehrer in the SA as one commun unit." I have here before me the summary of the criminal elements as given by Justice Jackson, and he mentions there the use of force in the dissolution of the Trade Unions.

H0918-0052

My questions, therefore, are twice justified in a two fold manner. Once in connection with the activities relating to the Trade Unions, and secondly on the basis of the claim of the State Attorny who stated that the Nazi Party and the SA formed one unit.

CAPT. TUBRIDY: I would like to ask the witness a few questions.

BY CAPT. TUBRIDY:

Q Was the SA instrumental in any way in the dissolution of the Trade Unions?

A The dissolution of the Trade Unions was no concern of the SA.

Q The question was, was the SA instrumental in causing in any way the dissolution of the Trade Unions?

A The SA was used only to annihilate strong points which could have been used in the threatening uprising.

CAPT. TUBRIDY: Will you go on, Mr. Aschenauer?

BY MR. ASCHENAUER:

Q I am quoting from Page 1530 of the German text of the proceedings.

"In accordance with such an order as proven yesterday, the SA has been used for the destruction of the Trade Unions."

I continue quoting: "To give to the SA the responsibility of carrying out political tasks of the Party. . . ." And from the last sentence of the German proceedings, page 1531,"a further proof of the participation of the SA in the criminal conspiracy of the Nazi Party is the 5 volumes of the periodical, 'The SA Man'".

In regard to the campaign against the Trade Unions, the responsibility is given to the SA. For that reason, it is my task to prove that the Roehm Putsch meant the break in the SA and the importance of the SA, and therefore I have to dwell on Roehm and his Putsch. I may finally quote another document. I am referring to the law concerning the unity of State and Party

H0918-0053

in which the SA has been described as an organization of the Party. By that law, there should be proven the uniformity of purposes of Party and SA. From that law, the indictment drew the conclusion that there was a common unity of the Nazi Party and its formations, and the case of Roehm proves that that contention is incorrect. For that reason again, I have to put that question.

CAPT. TUBRIDY: Are you trying to prove by the Roehm Putsch that the Nazi Party was not responsible in any way for the alleged persecution? Is that your point?

MR. ASCHENAUER: I desire to prove that the SA was not a tool of that conspiracy. That the SA could not be such a tool because it had been eliminated. It had been elimiated in the year 1934, and therefore the SA could not be charged with any responsibility for any subsequent developments.

CAPT. TUBRIDY: Where was this witness, the Deputy Chief of Staff of the SA?

WITNESS: I was the Deputy Chief of Staff from November 1939 on and I was a member of the Staff of the Chief of Staff since November 1933. I therefore am completely acquainted with the position which Roehm took with regard to social questions as well as in regard to militarism.

CAPT. TUBRIDY: I think what you are attempting, if I understand this that you are trying to prove Roehm's position on social questions, that can be dispensed with that type of testimony because I do not think the Tribunal will consider that type of testimony relevant.

MR. ASCHENAUER: I do consider these matters as relevant because I wish to submit to the Court material yet unkown to the Court bearing also on questions of Foreign Policy. I also would like to stress that the indictment has used documents which had been thrown out of their proper connection and they actually belonged in the struggle around Roehm.

H0918-0054

CAPT. TUBRIDY: What are the documents?

MR. ASCHENAUER: I am referring to the documents PS-2821, which has reference to military matters, and PS-2822, and 2823. From these three documents one can learn that the Case of Roehm stretches from social questions to military questions and through them to questions of Foreign Policy.

CAPT. TUBRIDY: It seems to me that we are getting far afield in this thing. I would suggest that what you should do is to get the parts of the documents which are documents 2821, 2822, and 2823, which you indicate has been set forth by the Prosecution incorrectly, take the excerpts which have been removed from the text, and then report the meaning of the true text. But I do not see the connection between your line of questioning to the witness and this other line which you have just brought in.

MR. ASCHENAUER: Just to be able to do that I have to take some time. I have to dwell on the following two points: The SA as a tool for the suppression of the Trade Unions, and the SA as a tool for the completion of offensive warfare. For that reason, both questions are inter-related and connected with each other.

CAPT. TUBRIDY: Very well, will you go on to disprove that the SA was a tool in furthering offensive warfare.

BY MR. ASCHENAUER:

Q I have to dwell on the questions of the Trade Unions because the indictment charged that the Trade Unions had been resolved to get rid of an element which could have opposed aggressive warfare. I therefore, with permission of the Court, would like to ask, what were the social goals of Roehm?

A One, in connection with the labor movement, to keep the Trade Unions in existence. Secondly, he desired an entirely militaristic socialist people's

Army.

H0918-0055

Q Was it the purpose of the meeting called by Roehm to take place at Kulmbacher Tagung, ~~was the purpose of this meeting~~ to demonstrate against the dissolution of the Trade Unions as conceived by Ley?

A Early in 1934, Roehm invited leaders of industrial employees and also trade union representatiges, irrespective of their Party affiliations, to participate in a conference. At that occasion, all participants should have an opportunity to discuss the problems freely, and without any limitations. They should discuss there everything which was their concern and it was Roehm's intention to proclaim there his social aims and goals. He desired to obtain an uncolored picture of the consequence of the program initiated by Ley. He wanted to be able, if possible, to take measures to remedy the situation. The death of Roehm on June 30, 1934, made the accomplishment of that goal impossible.

Q Were the conflicts in the Nazi Party in that connection new?

A No, these conflicts were not new. For instance, Roehm had been in agreement on the Trade Union question only with Gregor Strasse.

Q Were there also conflicts of opinion with the Reichsschatzmeister Schwarz, the man in charge of the Finances of the Party?

A I do not know whether that conflict with Schwarz was in regard to that question but I do know there were conflicts on that question with regard to other members.

Q Isn't it true that Schwarz destroyed the program of Roehm?

A The institution called Nothilfe, which was a social and welfare fund of the SA, was destroyed and the main source in that was Bormann. The purpose of that institution was to secure employment, and to secure living accommodations and give other kind of social assistance to SA men.

H0918-0056

Q Did those conflicts develop only in the so-called period of struggle before the seizure of power?

A Yes.

Q What groups of personalities were facing each other in these conflicts?

A There were various groups of personalities involved. Drechsler against Hitler; Esser against Buttman; Hitler against Dinter in the church question. Roehm against Strasser.

COL. SMYRNOW: It seems that we are making the same mistake that we made earlier by going back to the early history of the Party.

MR. MASE: I would like to add that this is a matter of historical knowledge. The question of internal conflict is quite irrelevant to the questions which are now before us.

CAPT TUBRIDY: It has been indicated that questions which you are asking are irrelevant. If that continues, we will have to dispense with this witness and you will have to call another ~~witness and that will be the end of the matter.~~ Would you please direct your questioning to the activities of the SA?

MR. ASCHENAUER: I asked whether there were any matters of principles involved in the conflict around the Church question.

CAPT. TUBRIDY: Have you a reference to the conflict between the SA and the church?

MR. ASCHENAUER: My question refers to a conflict between SA, SS and political leaders.

CAPT. TUBRIDY: Was the question concerned with the church before? What is your question directed to at this moment?

MR. ASCHENAUER: Were there matters of principle involved in the conflict around the church question? Conflicts of opinion between SA, SS, and political leadership, represented by Roehm, Bormann, and

H0918-0057

Himmler?

CAPT. TUBRIDY: What is the relevancy of that question, may I ask?

MR. ASCHENAUER: The SA is charged with the persecution of the church.

CAPT. TUBRIDY: Let us, then confine it to whether or not the SA persecuted the church.

MR. ASCHENAUER: There are innumerable documents referring to Bormann and equally innumerable documents referring to Himmler and therefore it is quite necessary to demonstrate their connection to the SA and to their persecution of the church. From that conflict, we can draw the conclusion as to the real relationship of the SA to the Church.

CAPT. TUBRIDY: Was there any conflict between the SA and the church?

WITNESS: No.

CAPT. TUBRIDY: There was no conflict whatsoever?

WITNESS: No, Roehm himself was a member of the church. Lutze rejected a proposal made to him by Bormann to the effect that SA men should leave the church. I, as Deputy Chief of the SA, was a church member and Lutze was well aware of that fact. Consecration of SA flags in SA places were performed in church buildings. They exercised an order by the SA leadership that there should not be any SA services scheduled for the time when divine services were held, and at any rate, not to pass by churches marching and singing while divine services were going on at the time.

BY MR. ASCHENAUER:

Q What was the attitude of the SA toward the racial question, particularly to Himmler's theories of a master race?

A The racial question, and the question of a master race did not play any part in the philosophy and the training program or propaganda of the SA, neither under Roehm or his successor, Lutze.

H0918-0058

Q What position did the SA take in regard to marriage, particularly in regard to that position toward marriage as it was taken by a member in the Party , and especially by Himmler?

A In that question, we differed strongly from the point of view as represented by the SS.

Q And what was the position which Roehm took towards the Nazi ideology of Rosenberg? Roehm, in his position as Chief of Staff of the SA, and as leader of the SA, took what position?

A I previously stated already that the book , the "Myth of the 20th Century" by Rosenberg did not play any role in the SA, and that most of its members never even read it. Roehm himself was much too uncomplicated a personality and much down to earth that he would not have concerned the SA men with such a type of philosophy. His only program was a realistic training of SA men, particularly in the theory of socialism.

Q What was the effect of those conflicts between the SA and SS in the Nazi Party?

A The SA went its own way as I have shown. At least, under Roehm, it didn't allow the leadership of the Party to influence its cause.

Q What were the domestic aims of Roehm?

A I would like to quote again the words of Roehm which I quoted before, "that it was the purpose of the SA now, after the seizure of power, to justify the confidance which the Party had given it among the German people, and to increase the feeling of comradeship and to strengthen it." But one thing is certain, Roehm did not desire a politial State and/as he always expressed himself, to "create martyrs".

Q What were the strategic aims of Roehm?

H0918-0059

A The aim which Roehm pursued in reference to military matters and military training were in opposition to other forces which finally brought about his defeat. Roehm desired the creation of a people's military force.

Q Did Roehm plan to create such a military force in the course of negotiations with the Western powers, or did he want to bring it into existence as a fait accomplis?

A Without any doubt, Roehm desired to reach that goal only by negotiations and I personally witnessed a number of his co nversations before 1933 when he expressed himself that way.

CAPT. TUBRIDY: Mr Aschenauer How many more questions have you?

MR. ASCHENAUER: By now I have exhausted only 1/3 of the questions.

CAPT. TUBRIDY: I am afraid that we cannot have the this witness ~~back~~ for that length of time tomorrow. I think we will adjourn the ~~Court~~ Commission and we will allow you to ~~examine the witness tomorrow, for 1/2 hour at the most~~.

(The court adjourned at 1655 hours.)

H0918-0060

The foregoing is a true and corredt transcript of the testimony of

taken on 28 May 1946.

Alice Mahar
Reporter (pp 1-8)

Charles J Gallagher
Reporter (pp 9-22)

Rose W Cook
Reporter (pp 23-42)

Filani A. Abuna
Reporter (pp 43-58)

CERTIFIED TO:

Joseph F Tubridy
Commissioner

T
Commissioner

H0918-0061

Defendant organizations: SA
Exhibit No 3 (a)
Witness Max Luettner

GLIEDERUNG DER SA NACH DEM STAND 1939

STABSCHEF DER SA

- ADJUTANTUR
- WEHRSTAB

OBERSTE SA-FÜHRUNG

- FÜHRUNGS-HAUPTAMT
- HAUPTAMT: PERSONALIEN
- VERWALTUNGS-HAUPTAMT

FÜHRUNGS-HAUPTAMT mit 9 INSPEKTIONEN:

1.) ERZIEHUNG und FÜHRERSCULEN
2.) SANITÄTSWESEN
3.) BAUERNTUM
4.) LEIBESÜBUNGEN
5.) REITER-SA
6.) NACHRICHTEN-SA
7.) PIONIER-SA
8.) MARINE-SA
9.) GEBIRGS-SA

HAUPTAMT: PERSONALIEN mit den ÄMTERN:

1.) AMT PERSONALIEN
2.) RECHTS- u. GERICHTSAMT
3.) SOZIALAMT

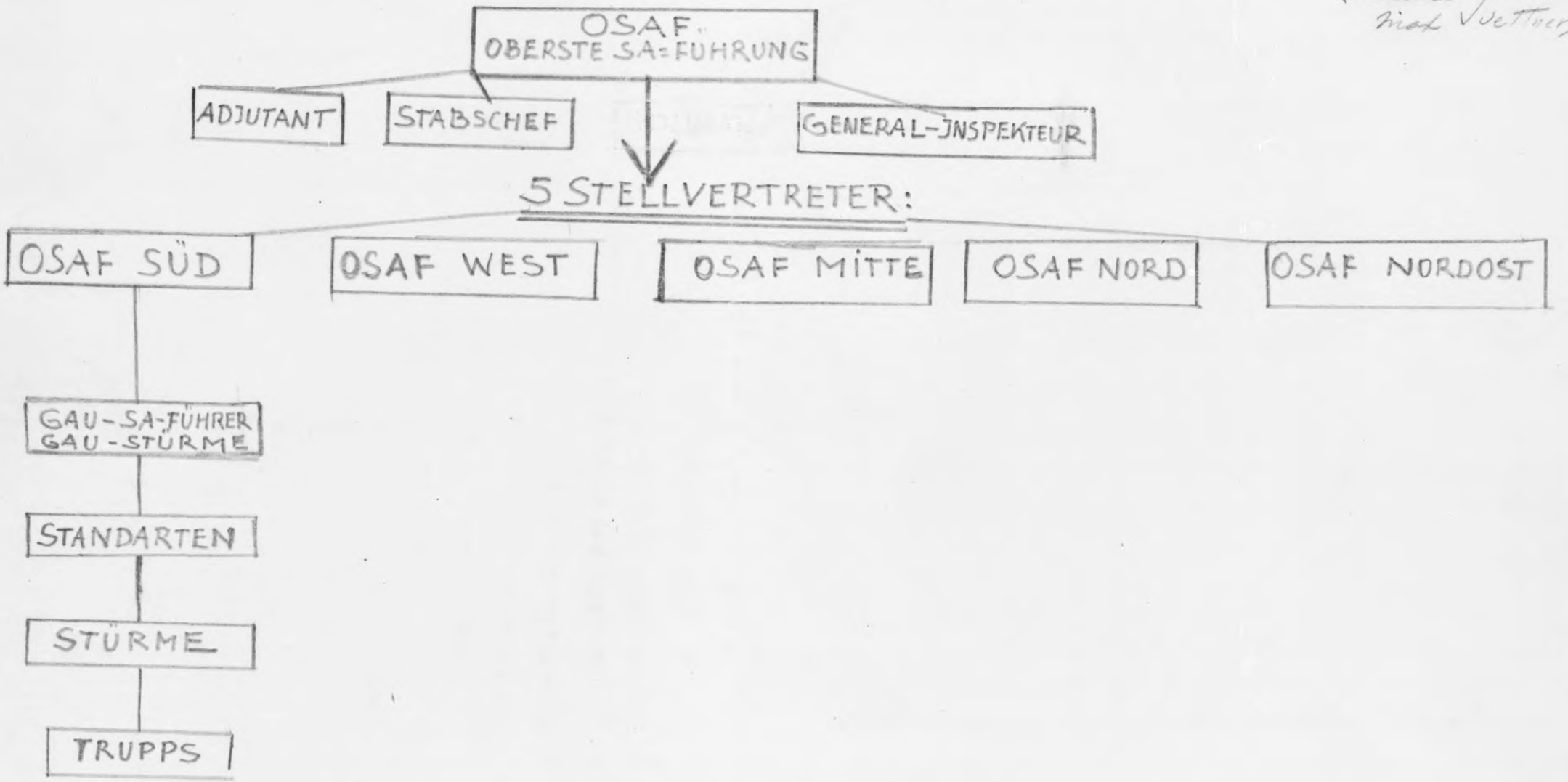
SA-GRUPPEN

- BRIGADEN → KEINE BEFEHLSSTEN; NUR INSPEKTIONEN
- STANDARTEN
- STURMBANNE → KEINE BEFEHLSSTELLEN; NUR INSPEKTIONSAUFGABEN.
- STÜRME
- TRUPPS
- SCHAREN

H0918-0062

GLIEDERUNG DER SA VOR 1931

Defendant Organization SA
Exhibit 3b
(Witness Max Wettner)



H0918-0063

OFFICIAL TRANSCRIPT OF TESTIMONY FOR THE DEFENSE OF ORGANIZATIONS, TAKEN BEFORE A COMMISSION APPOINTED BY THE INTERNATIONAL MILITARY TRIBUNAL PURSUANT TO PARAGRAPH 4 OF THE ORDER OF THE TRIBUNAL DATED 13 MARCH 1946.

COMMISSIONER:

Captain Tubridy.

THE SA.

(The Commission convened at 1100 Hours)

MAX JUETTNER, a witness, took the stand and testified as follows:

BY CAPTAIN TUBRIDY:

Q Will you state your full name?

A Max Juettner.

Q Will you raise your right hand, and repeat after me?

I swear by God, the Almighty and Omniscient, that I will speak the whole truth and will withhold and hide nothing.

(The witness repeats the oath)

BY DR. BOEHM:

Q Where were you born?

A On January 11, 1888 in Saalfeld, Thuringia.

Q Are you married?

A Yes, since 1913.

Q Do you have any children.

A Yes, I have three children; two daughters and a son.

Q Are any of these children married?

A The daughters had been married and their husbands and my one son were killed in the war.

Q What scholastic training did you have?

A I attended public school, which is kind of a high school.

Q Did you actively participate in the first World war?

A Yes, in foreign service as a professional officer from the baginning until the end of the first World war.

Q You were on the front, beginning with 1916 as an officer of the general staff?

A Yes.

Q Were you ever wounded?

A Twice, I was wounded, once in 1914 and later on in the west.

Q Did you have every opportunity to meet with the officers of the other side and converse with them?

A Yes.

Q On what occasion?

A I had such opportunity when questioning captured officers and particularly on an occasion at Macoing. Macoing was a place which lay behind the German lines and was very gravely defended by the British when the Germans made a counter offensive. The defending troops kept the place until the enemy was completely exhausted and they refused to surrender. Finally, when the British did not have any ammunition, they capitulated. I personally was present when the German Commander honored the brave British soldiers by permitting the British officers to retain their swords and give military orders to the captured soldiers and he had the German Soldiers present arms when the British soldiers passed by.

MR. MACE: This testimony is irrelevant to the testimony of the commission.

MR. BOEHM: I consider these remarks in order because the witness has been one of the highest SA leaders, he has been German Deputy Chief of the SA. I consider it relevant to have the witness explain his experiences which led up to his position.

CAPTAIN TUBRIDY: Let us get on in connection with the pertinent question of the SA for which the witness was called here.

MR. BOEHM: Did you have an occasion at a later time to meet officers outside?

CAPTAIN TUBRIDY: What connection can this question possibly have with the Commission?

MR. BOEHM: The connection of this question, which I pointed out, is that the witness was deputy chief of staff of the SA and is the highest officer of the SA which can be heard today.

CAPTAIN TUBRIDY: Let us go on with the testimony concerning the SA.

BY MR. BOEHM:

Q When you left the army, where did you go?

A When I left the army, by my own request, in the year 1929, I became a miner.

Q What was your relationship to your fellow workers in the mines?

CAPTAIN TUBRIDY: These questions are singularly irrelevant and I would like to ask when did you become a member of the SA?

THE WITNESS: I became a member of the SA in 1933. I had been a member of the Stahlhelm organization up to that time.

CAPTAIN TUBRIDY: What positions did you hold in the SA?

H0918-0065

A I belonged to the so-called Flehringsamt and was the Chief of the Department.

MR. BOEHM: Mr. President, that was to be my next question.

CAPTAIN TUBRIDY: Very well, will you proceed?

BY MR. BOEHM:

Q What position did you hold in the SA after the death of Lutze?

A I was the leader of the SA after the death of Lutze until the new chief of the SA took office.

Q What rank did you hold in the SA when you joined after being a member of the Stahlhelm.

A I was a SA Brigadefueher of the SA.

Q You were a SA Gruppenfueher and leader of a SA group in 1939?

A In 1939, I was chief of the Hauptamt SA and an Obergruppenfuehrer of the SA.

Q Did you serve as a Volksturmleader in 1944?

A When the Volksturm was organized, I immediately volunteered as a simple Volksturm man.

Q Did you hold any leading position as a member of the Volksturm?

A Initially I did not, but later on I organized and led a fighting Battallion of Volksturm.

Q How long a period did you conduct that group and lead that group?

A Possibly from the beginning of six weeks before the end of the war until the end of the war.

Q What happened then to the Volksturm?

CAPTAIN TUBRIDY: The question is irrelevant to the SA organization.

MR. BOEHM: During the time you were an officer of the army, you were not permitted to be active politically. Did you later on become politically active?

CAPTAIN TUBRIDY: The question is irrelevant. Let us get on to the general testimony of the SA?

BY MR. BOEHM:

Q Will you kindly tell the court in what fashion you served as a member of the Stahlhelm.

CAPTAIN TUBRIDY: We are more interested in what the witness did as a leader of the SA particularly when he held the position of Deputy

H0918-0067

Chief of Staff of the SA.

MR. BOEHM: Do you know that the members of the Stahlhelm by an overwhelming majority joined the SA in 1934 and they were of the opinion that they had to defend themselves against the accusation of the exclusive guilt of Germany in regard to the World war?

DR. KEMPNER: I object. This question has been discussed in cour and the guilt of one individual is in no way pertinent to the guilt of another individual.

CAPTAIN TUBRIDY: Mr. Boehm, may I call your attention to the order of the Court, which directs that this Commission only take testimony for certain purposes and that wide circulation was given to the work and type of testimony which might be taken before this Commission. I think you will have to carefully phrase your questions so that you will stay within the limits set forth by the Tribunal as to what is considered relevant evidence by the Commission.

MR. BOEHM: It is my opinion, Mr. President, that the ideology of the Stahlhelm organization is yet to play an important part in the future proceedings. Approximately one million members of the SA came from the ranks of the Stahlhelm and it is my opinion that the court will admit, outside of this commission, testimony in regard to the Stahlhelm. I want to ask only two questions in regard to the Stahlhelm. These two questions are: (1) Were the principles of the Stahlhelm organization to fight against the exclusive war guilt of Germany in regard to World War One and (2) Was it another aim of the Stahlhelm to fight against the Versailles Peace Treaty.

CAPTAIN TUBRIDY: Will Mr. Boehm please confine his questions to the SA?

MR. BOEHM: These questions have a bearing on the fact that one million members of the SA came from the ranks of the Stahlhelm.

CAPTAIN TUBRIDY: We are not interested in where the people came from before they were members of the SA, except how they became members of the SA. What they felt or thought before they were members of the SA is irrelevant.

MR. BOEHM: I would still like to request the admission of this question in regard to the one million SA men who had come from the ranks of the Stahlhelm and what were their principles in regard to fighting against

the exclusive war guilt of Germany in regard to World War One and whether another aim of the Stahlhelm was to fight against the Versaille Peace Treaty.

CAPTAIN TUBRIDY: I still say you will have to ask a question regarding the SA - not a question pertaining to what the members did before they became members of the SA.

H0918-0068

H0918-0069

MR. BOEHM: I would like to point out that the people ropresented in this organization represented about one fourth of the total membership of theSA.

CAPTAIN TUBRIDY: Will you confine your questions to those set forth in Paragraph 10 of the rules of evidence to be presented by the Commission?

MR. BOEHM: Yes, of course.

CAPTAIN TUBRIDY: In relation to that, we are only interested in what the organizations purposes were and whether the membership in the organizations was voluntary or by legal decree. Another point is whether the activities of the organization were known to the members when they became members or after they became members.

MR. BOEHM: By the prosecution, we are accused of a number of certain crimes, among them crimes against the church. We are accused of having fought and attacked the churches. May I ask the witness a question?

BY MR. BOEHM:

Q May I ask you to state your present relationship to the church and may I ask you to tell the court whether you have adhered to your religious faith?

A Without interruption, I have been a member of the Evangelic Lut herian Church.

COLONEL JONES: I must object to that question. We cannot hear here your personal attitude toward a church.

CAPTAIN TUBRIDY: Since the witness has answered, we will permit the answer to stand.

MR. BOEHM: Were the members of your family too loyal to the Church ?

THE WITNESS: Yes.

CAPTAIN TUBRIDY: Are you pursuing the line of activity in connection with the activities of the SA and not to this witness' personal religion?

MR. BOEHM: I regret that I have not yet been clearly understood by the President of the Court. It is my opinion that the personal matters, opinions and convictions of a witness who for a time has been the responsible head of the SA are of course relative to the SS.

CAPTAIN TUBRIDY: We are only concerned with the activities of the SA.

H0918-0070

DR. BOEHM: That is true. The question which I directed in regard to his personal conviction to this witness is supposed to throw light upon his personality, because it is my conviction that is his personality in spite of four million members of the SA.

CAPTAIN TUBRIDY: He will have to establish that first. Will you examine the witness, Mr. Boehm, and ask him questions in regard to the activities of the organisation, and not as to his personal beliefs.

DR. BOEHM: My question had no --

CAPTAIN TUBRIDY: Will you please examine the witness;

BY DR. BOEHM:

Q What was your personal attitude towards the Jewish question?

CAPTAIN TUBRIDY: Will you change that question to what was the attitude of the SA as to the Jewish question, and it may be answered,

BY DR. BOEHM:

Q I will reframe the question now and say, what was the attitude of the SA towards the Jewish question?

A The attitude of the SA towards the Jewish question from the very beginning was absolutely identical with my personal attitude, toward the Jewish question. The SA opposed immigration of forces of Jewish faith from the East to Germany, and that position was, as I can state on the basis of my personal experience absolutely identical to that of an organization called Central Vevein Deutscher Staatsbuenger Judischer Glaubens, the Central Association of German Citizens of Jewish Faith. In that respect, or in that regard the SA was anti-Semitic, but it was strictly opposed to use of brute force, and was definitely opposed to the extermination of another people of another kind. It was , for example, well known in the SA that I had friendly relations towards a number of Jewish families, and that

H0918-0071

I gave them support. At no time have I been reprimanded for my attitude. Just the opposite, for example, Statshef Roehm, leader of the SA once said to me in the summer of 1933, he said to me in the presence of General Vander Goltz, "Then you particularly fought into that line which I am pursuing." He would be in a position to give numerous names of Jewish individuals, and Jewish families with whom I had such friendly relations.

DR. BOEHM: If the court will admit it, I would like to request the mentioning of such names.

CAPTAIN TUBRIDY: No, it is not necessary.

BY DR. BOEHM:

Q It is known that during the revolution in the Spring or early summer of 1933, as well as the night of the 9-10 November 1938, members of the Jewish faith had been mistreated and beatened. I am certain that you know of these incidents. Did the leadership of the SA take any steps in connection with those incidents? Did the SA leadership see to it that the people who had participated in that incident were prosecuted by the ordinary courts and punished for their participation?

A First, I would like to state that the leadership of the SA at no time by ordinary speeches or orders had been cited for instances of atrocities directed against the Jews. I don't deny that members of the SA have counteracted that position of the SA leadership, and such SA men have permitted crimes against people of other kind and against people of Jewish faith. Whenever the Chief of the SA, or leadership of the SA learned of these incidents, then it most decidely undertook steps against such action, and I can give innumerable instances that the SA leadership not only opposed acts committed against the Jews as such, but punished the participants in such acts, and took action against any SA man who was involved in any such incident. For instance, I learned of an incident which happened in 1933, in which a member of the SA named Schlaeger committed crimes against a Jew, who was immediately punished by the Chief of the SA, Victor Lutze. Another example which I did not mention relative to a shoe manufacturer, named Tack. In regard to the happenings of November 9, 1938, I know not only that the Chief of the SA, Mr. Lutze, strongly opposed those incidents, but he issued most strict orders directed to his sub-leaders prohibiting participation in such occurrences.

H0918-0072

CAPTAIN TUBRIDY: We will now take a recess.

(recess)

DR. BOEHM: Mr. President, I do not want to discuss the case of 9 November 1938 now. I believe that my colleague, Mr. Aschenauer will talk about that. I would like to ask the witness in connection with the following question. I would like to ask in connection with things that happened on 9 November 1938.

BY DR. BOEHM:

Q I'll ask the witness if he knows that the Sturmfuehrer Katzgrau, and Oberbannfuehrer Kraemer were handed over to the police for sentences?

A Yes, I remember the two were handed over to the police or court police for trial, and the sentence which was later on made official.

Q The prosecution also accuses the SA that it was connected with the guarding of concentration camps, and that it was connected with inhuman treatment which the concentration camp victims received there. What do you know concerning this?

A They had no connections at all any more after the concentration camps and their organizations were turned over to the Reichsfuehrer SS. Quotebefore that in 1933 SA men were used in guarding the concentration camps, but not as SA men and not under theresponsibility of the SA leadership. At that time also the responsibility was with the state departments.

Q When did you find out that in concentration camps the victims were treated brutally?

A I only heard of this inhuman treat ment now after the end of the war.

Q Did you ever use your way for the release of prisoners from the concentration camps?

COLONEL GRIFFITH JONES: I object to that question. What this man did personally is not within the rule as to relevancy of evidence.

DR. BOEHM: Yes but what the witness did in his work as Chief of SA as leader.

CAPTAIN TUBRIDY: The question will be allowed if it is phrased to indicate what he did in the capacity as Deputy Chief of Staff.

H0918-0073

DR. BOEHM: Yes, I would like for the witness to answer this question in that connection.

BY DR. BOEHM:

Q Did the Chief of Staff of the SA know about your activities so far as that was concerned?

A Yes.

Q Then I would like you to name the persons for whom you requested these releases?

A I remember the State Secretary Tuender, and Mr. Moeller, and Mrs. Koenig, and also various persons connected with the College of Jesuits in Pullach.

H0918-0074

DR. KEMPNER: In answering the witness disclosed he was still bringing personal actions on behalf of people who were finally in concentration camps, and does not have any bearing on the activity of the SA. the activity as such, therefore, I move and respectfully request to strike in the question and answer.

CAPTAIN TUBRIDY: I will permit the question and answe to stand. You may proceed.

BY DR. BOEHM:

Q Did you ever use your influence concerning the Pastor, Niemoller?

A The influence I used I could only use in connection with my duties as an official of the SA, and also in the case of Niemoller I tried to get him free.

Q Did you ever have any results in these activities concerning these concentration camp inmates?

A I later on found ou through letters that my attempts were successful in some cases.

Q In your duties as SA leader, did you ever give any orders that certain persons be sent to the concentration camps?

A I personally, no, and neither the leadership of the SA; I can swear to that, and I want to emphasize that point especially. I know with certainty from all my co-workers of the SA leadership, we did not have any authority to send anybody to a concentration camp.

Q Would you explain to the court what was the build-up of the SA

A Head of the SA was Chief of Staff. The Chief of Staff was the leader of the SA. I have here two sketches which I have drawn on the leadership of the SA, and I would like to ask permission to hand these over to you (presents to the court papers).

CAPTAIN TUBRIDY: Have you prepared these charts yourself?

THE WITNESS: Yes. A friend of mine drew them , and I checked them.

CAPTAIN TUBRIDY: Do you state in your capacity as Deputy Chief of Staff of SA to know these to be true representations of the organization of the SA?

H0918-0075

THE WITNESS: Yes.

CAPTAIN TUBRIDY: Has the prosecution any objection?

THE WITNESS: May I add something insofar as these sketches are concerned.

CAPTAIN TUBRIDY: Wait until the prosecution looks at them. Let the chart be marked Defendant Organization SA Exhibit Nos. 3-A and 3-B. (Attached at end of witness' testimony)

DR. BOEHM: He wanted to add something in connection with these sketches.

THE WITNESSL From the documents which I have seen, I will say another sketch concerning the organization of the SA, and I say that those sketches are completely correct with my sketches, which I marked down when they were drawn.

CAPTAIN TUBRIDY: To what sketches does the witness have reference?

THE WITNESS: On the two sketches which I submitted I marked when they were valid; and the sketches and documents I don't have drawn up as I know they are available.

CAPTAIN TUBRIDY: To what sketches does the witness have reference?

DR. BOEHM: It was a sketch which was presented by the prosecution.

CAPTAIN TUBRIDY: In other words, doesthe witness say the chart concerning the SA was previously presented by the prosecution, was examined by him and found to have been correct.

BY DR. BOEHM:

Q Who had the supreme command of the SA?

A The supreme commander of the SA was in the hands of Adolf Hitler, the highest SA leader.

Q The prosecution presented a document in which it referred to a book of the organization of the SA, and from it states the Fuehrer directed their actions, and also directed other uses. The Chief of Staff represented the SA in the name of the Fuehrer. Now I would like to ask you the following: Did the Chief of Staff have any kind of leeway in the actions of the SA according to orders from the Fuehrer?

A I might answer this question with, yes. The Chief of Staff could

H0918-0076

appeal against the orders he had received, and in a certain leeway he could act individually.

Q Would you give us the chain of command in the SA. Whose orders were directives for the SA?

A In the first line of orders, the Chief of Staff. The units also had to obey certain orders of the political leadership. For instance, in the case of meetings, mass meetings; for use in the emergency service. In other words, only insofar as the scope of work was concerned of the political leaders, and if the Chief of Staff did not staff did not stand up against these orders, indicated he held them unnecessary or inappropriate.

Q Did the Chief of Staff have any influence upon the political decisions, and measures?

A Since the death of Chief of Staff Roehm, definitely not.

Q Did the unit leaders have any veto right against the political leaders?

A When concerned political orders, of course, the SA Chief had veto rights.

H0918-0077

Q. During the presentation of evidence, it probably would be shown that various measures in the SA were connected and came from the political leaders. Under whose responsibility were these orders carried out then? They were orders about which the SA leadership did not know anything.

A. The responsibility in that case was with the political leaders. If the actions that were demanded were illegal, and if the SA leader anyhow did the work required, he, too, is guilty.

Q. Was there sufficient command of the SA to the police and to the army?

A. No, unless, of course, the original SA men were drafted for police or army work.

Q. Is it possible that the SA units were at times used by the police for big searching parties, and so on? Under whose responsibility were the units in that case?

A. During the time they were used, they were responsible to the police, since they were not considered to be in the SA at the time, and were not considered to be the responsibility of the SA at the time.

A. Even if you were not an SA man at the time, I believe that there are personal observations and knowledge that you can tell us who the first SA men were. From where they came and what kind of persons they were?

A. The first SA men were front soldiers from the last war, and young idealist.

Q. The prosecution states in the beginning of their indictment that there were terror gangsters in the organization, and I would like you to tell the court under what circumstances Germans could become members of the SA, or, what became of a person, according to his own statement, as member of the SA?

A. Terror gangsters were the SA men, never. They were patriots. We also among our men had a number of clergymen who until the end, together with me, defended the SA, and that it was not a group of terror gangsters. The SA men had to have two witnesses sofar as character and his past was concerned. Just the same as it was in theStahlhelm. After 1933 when a large number of people joined the organization, I don't deny that lower persons were admitted to the SA, or were able to join the SA.

Q. Did these men remain in the SA?

H0918-0078

A. No.

Q. Did they ever get out?

A. As I already have written in my memoirs, these men were expelled shortly after.

Q. How strong was the SA in 1933?

A. Around in 1933, about 300,000 men.

Q. What in your opinion was the biggest number of members in the SA?

A. Through the joining of the Stahlhelm, the Kyffhaevserbund, and the Werfolf, as well as a number of trustworthy persons, the number rose up to around 4,500,000.

COLONEL GRIFFITH JONES: What is the date.

THE WITNESS: That was when I entered the SA leadership in December 1934.

Q. And was the entry into the SA basically voluntary?

A. The leadership defended the principle of voluntary entry. I do not doubt but that some organizations outside the SA did use some pressure on its members to join the SA.

Q. Did you know that the university students beginning with 1934, did not have any possibility of beginning or ending his duty without being a member of the SA?

A. I only heard that later on, but I would say that it was possible, that this was true.

Q. Did you know that members of the Reichsfinanz School, that is, the war finance school, that upon their entry into that school, they had to become members of the Reichsfinanz Schule Stuerme of the SA?

A. I know of that, but that pressure was not exerted by the SA leadership, but by the finance department.

Q. There were riding SA groups, and it is said that these riding units of the SA originated as follows:, That originally they were the so-called country riding groups, and in the course of coordination which took place in 1933 and 1934, these country riding clubs were given the alternative either to disband, or to join the riding groups of the SA, and I would like to ask the witness whether he knows of that happening?

H0918-0079

A. The following is known to me: The riding SA originated to a large extent from the country riding groups or associations. These were taken over by the riding SA, and the same way as the Stahlhelm. If any kind of pressure was exerted upon these riding groups, I do not know of it. Then the young men who were interested in the field of riding joined these riding stuermes, especially in the agriculture areas.

Q. What conclusion do you draw from the fact that these riding groups there through political circles in 1933 and 1934 were made part of the SA riding groups?

A. Because that should serve to bring about what was badly needed in the unity of Germany, because before 1933 in Germany there was fighting of everybody against everybody.

Q. Do you think that these persons who had joined the SA, that they would have seen from the action of the SA they were a criminal organization?

H0918-0080

A ever, especially the Stahlhelm never would have done that.

Q In 1934 the number of men, which at that time were 4,500,000 belonged to the SA was reduced as to what point, and when did this reduction take place, and in what manner, and what point of view was prevailing in this protection?

CAPTAIN TURBRIDY: I don't understand the point made. Are you trying to find out from the witness whether any reductions occured. What are you trying to find out, the reason for reduction?

DR. BOEHM: No, what method, and what way, and under what manner this reduction was taken care of.

CAPTAIN TURBRIDY: How it was reduced?

DR. BOEHM: Yes.

CAPTAIN TURBRIDY: Put it that way then.

THE WITNESS: The intention of the Chief of Staff Lutze was to reduce the numb of SA men to 1,500,000 He first removed those that were not quite clear, or were not quite well known so far as their character was concerned. The next group to be released honorably was those men that were only SA men according to paper but never took part in any of its duties. The third, all leaders had to take examinations, and those that did not pass the examination were released from the SA.

Q Were any occupational handicaps connected with this removal from the SA?

A Only if a person was guilty of anykind of a criminal action against the form, or list. If there was any kind of handicap, then the head office of that occupational region by the employer of that person calls up to be informed as to why the person was released from the SA.

Q Now I would like you to inform the court as to how the SA developed locally?

A The SA was created in various parts of Germany at various times. usually after the necessities that were prevailing. Exactly like the Sturmbanne, and other patriotic units, or groups of the National Socialist Party that was attacked by political enemies. The urgent necessity was evident since the state police was not sufficient for protection to create such a self-defense unit. In my memoirs which was presented to the high court, I have made various sworn affidavits concerning these cases which were taken down, these affidavits by the CIC. These affidavits were taken down entirely by me, and prove that it was always the other organizations that were attacking units, or attacking groups, and that such necessity of the SA as a defense group was necessary.

Q We will talk about this necessity later on. The thing I want to ask you now about is of you yourself as an officer. Where one joined in the organization of the SA, which had a purely local character, one could draw a conclusion that it was here a matter of organizing a semi-military unit.

A The SA did not have any military character. The fact which I can prove is that the SA did not have any military character, and did not desire to have it, and I can prove that by various records.

COLONEL GRIFFITH JONES: I think that for sometime the witness appears to have been reading his answers from a document which he holds in his hands.

THE WITNESS: I could present these papers I have here to the court. They have nothing to do with any questions that were asked so far, but I would like to answer here everything in detail. After my own arrest I cannot remember everything, and on things of that nature I made notes.

CAPTAIN TURBRIDY: Will you explain to the witness we want his own testimony, and not something he is reading from the paper.

THE WITNESS: I would like to say that these notes here are my own thoughts, and I only wrote them down in order not to forget anything in case any of these questions came up.

CAPTAIN TURBRIDY: Will you please answer without reference to your papers.

THE WITNESS: I shall answer without using the papers. If I have to look up one or the other thing as to the examination, I don't know.

DR. BOEHM: Mr. President, I would like to make it clear that I did not give the witness any questionnaire.

CAPTAIN TURBRIDY: I don't think there was any intimation that you did Dr. Boeh.

DR. BOEHM: But I would like to ask the Court that if the witness has made notes to help his memory, that he be allowed to use these notes.

CAPTAIN TURBRIDY: Please try to have the witness testify from what he knows without reference to any notes he may have.

BY DR, BOEHM:

Q There is one question that has not been answered. How is it that the organization of the SA was divided into such units as the Stuerme, the Sturmbanne, and the Standarten. Was it because the military character, or was it for reasons of grouping these people so far as numbers were concerned?

A The comparison between Stuerme (Company), Sturmbanne, Battalion, Standarten, and Regiments, is often drawn, but it is completely incorrect.

H0918-0081

These Sturmbanne were purely local groups. There strength was completely differe in various places. There was a Stuerme with fifty men, and some with two-hundred and fifty men, dependant on the density of the population, and the local conditions. Their equipment, I want to say, was ridiculous. As to their duty, they were called upon, and it was purely voluntary, and would make any comparison wit the army or the Wehrmacht seem ridiculouse.

Q Only one further question concerning this paragraph. Did the rank of a Gruppenfuehrer, or a Brigadenfuehrer have any importance when that individual was drafted into the army?

A No, not in the least. There were various Gruppenfuehrers that were not soldiers at all. On the other hand many SA men were officers before who served in the SA as regular SA men.

DR. BOEHM: Mr President, I would like now to start a new series of questions, and I would suggest that this would be an ideal time to take a recess.

CAPTAIN TURBRIDY: Very well, adjourn until 1400 hours. How many more question do you have?

DR. BOEHM: It is very hard to estimate the number of q estions. I would say that among the things I have to ask the witness are, for instance, the propagand of the SA, which is mentioned on virtually every page of the indictment, as well as the controversies between the various organizations, and the Prosecutions acc sation that the SA consisted of gangsters, so I will say this questioning will take some time.

CAPTAIN TURBRIDY: About how much time.

DR. BOEHM: I would say that for my personal questioning I will take the entir afternoon. I shall ask only concerning the propaganda of the SA, and it was dec ded that I shall ask about these two things, and I will not get through with my part of the questioning of this witness before the end of the afternoon. I shall try to make it as short as possible.

CAPTAIN TURBRIDY: All right, we will adjourn until two o'clock.

(A recess was taken until 1400 hours).

H0918-0082

H0918-0083

MAX JUETTNER - Resumed
DIRECT EXAMINATION - Continued

CAPTAIN TUBRIDY: I believe you may proceed.

DR. BOEHM: I am now going to ask the witness concerning questions of propaganda, an act which the SS has been accused of by the Prosecution, that it was an active part of the propaganda to instill National Socialist ideas and ideals, and that it was using it's propaganda powers in connection with the invasions of foreign countries in bringing about wars and the crimes against humanity.

Q Witness, since 1935, the SA was once again a legal party, as well as it's organizations. I would like to ask you whether from the positions taken by the party's leaders and that of it's affiliated organizations, one could draw the conclusion that the unit or the organization was anti-social group or a criminal organization?

A The reason for the N S D P and the goals of the N S D P could never be suspected of being criminal. It is known that the SA was helpful to the party in obtaining the power within the country without a doubt.

Q The indictment charges that the original SS men were fanatic Nazis or fanatic members of the National Socialist Party. May be you can tell us why and what the reason was that men united themselves in a block in 1921, or earlier, in a block such as the SA. Maybe you can give us reasons, your opinion of those reasonsm the time which was maybe even before 1921?

A The answer to this question in my opinion would be best seen from the observation and development of all Germany at that time. I made in my memoirs, I believe it was paragraph 22, I described the conditions that Germany was in at that time. From that paragraph one has to see the wish of the German people to unite at that time and a wish to end all of this suffering and need.

Q The main reason was the revolution which took place in Munich at that time, which was organized by the left wing group?

A It was not just the Revolution in Munich, but riots and disunity sprang up all over Germany, and it was the fight among the various parties.

Q In your opinion, did the Kapp-Putsch for the occupation of Frankfurt and Darmstadt by the French have anything to do with it?

H0918-0084

A All of these occasions played a very big role. In addition to that there were riots and uprisings in upper Silesia, and the riots in the Rhineland. The political parties and the parliamentary parties, and both parties outside of the parliament, each one had it's own self-protection group. This disunity went down as far as into families in which father and son were opposing each other. It was a terrible disunity all over.

COLONEL SMIRNOV: I don't think it is necessary that we hear before this Court the same statements that are made in the propaganda books of the National Socialist Party, and it seems to me that according to the tenth paragraph of the rules of questioning, that the defense has to be in some way curtailed in asking such questions.

CAPTAIN TUBRIDY: Mr. Boehm, could you have this phase of the activity of the Nazi Party kept as brief as you possibly can because it really doesn't have a great deal of relevancy.

DR. BOEHM: Mr. President, I believe that if we cannot be here allowed to discuss in detail the origin of the National Socialist Party, and the reasons thereof, so far as the individual was concerned, if we cannot discuss that here, I believe it will have to be done before the Court:

COLONEL GRIFFITH JONES: May I suggest that such should be left to the Tribunal, and the Tribunal can make their ruling on it. There is nothing in all of this ancient history which can be said to be relevant to the ruling of the Court.

CAPTAIN TUBRIDY: Will you please instruct Mr. Boehm that the Tribunal has already given it's order as to what type of testimony shall come before this Commission, and it is contained in paragraph 10, and that is the basis upon which testimony shall be taken.

H0918-0085

DR. BOEHM: I thought since the witness probably will be questioned by the Court very shortly, it would be advisable to discuss these questions rather fully right here so that before the Court it will take less time.

CAPTAIN TUBRIDY: Mr. Boehm, you have already been advised this phase of the witness' testimony shall also be as brief as possible and I think for the interest of all concerned we will have no more discussion on the matter. If you have one or two more questions you may put them, otherwise I think we should go on to more pertinent matters of the organization itself and not its origiggin.

M. MONNERAY: I think the Tribunal has already ruled as to interrogation of defendantsas witnesses, and the Tribunal has not allowed any testimony as to the origin of the Nazi Party, and the Tribunal refused all history of the Nazi Party on the behalf of the defendant, so I think what should be applied to the defendants has to be applied for the same reason to witnesses here.

DR. BOEHM: May I continue?

CAPTAIN TUBRIDY: Yes.

BY DR. BOEHM:

Q May I therefore, Mr. Witness, state that due to the conditions of the need and suffering which resulted from the losing of the last war, and would you say that the suffering and the need by the individual was strong enough to form or to group them, the veterans of the war and other thinking persons, to group them together in a unit like the SA?

CAPTAIN TUBRIDY: The question is improper. Will you proceed with the next question. It is not considered relevant.

DR. BOEHM: Does the Commission not allow any more questions in that c nnection?

CAPTAIN TUBRIDY: No, we must get along, Mr. Boehm. Please confine your questions within the terms of the order as defined by the Court, what the Court considers relevant questions to be.

DR. BOEHM: You consider that question irrelevant?

CAPTAIN TUBRIDY: Yes.

BY DR. BOEHM:

Q Who selected these propaganda speakers?

H0918-0086

A The Reich Propaganda leaders ordered or selected the propaganda speakers.

MR. MASE: This question is quite general and is an incomplete question as to what kind of propaganda speakers.

DR. BOEHM: The propaganda speakers in general.

CAPTAIN TUBRIDY: You might also mention the time of which he is speaking, what period of time.

DR. BOEHM: The time is for 1921.

BY DR. BOEHM:

Q Could you tell me who selected the propaganda speakers and what the text of these propaganda speeches was as a rule?

A One has to differentiate between propaganda measures such as by speakers for the party, and secondly, the propaganda as it was done by the SA. This general propaganda was not supervised and was not directed by the SA, that is, the speakers were not. These speakers drove around the country and spoke during meetings. The contents of these speeches in general were the goals of the party program. It will be too much to speak of a propaganda of the SA by itself. The SA, however, did carry out propaganda to recruit members for it's organizations. Secondly, to strengthen the ideas of community and comradeship, and it also made propaganda speeches, the SA as well as the Stahlelm, in all other patriotic units, as well as all other parties all the way to the left wing party. All had certain propaganda against Germany losing in the war, and finally the propaganda always asked for a revision of the Versailles Treaty by peaceful meetings or consultations. That was about the main point of the propaganda by the SA, and this carrying out of the propaganda was done by mouth to mouth propaganda, talks, marching and meetings in which small speeches were held by SA leaders on patriotic holidays or similar occasions, as well as in the teachings of the SA.

H0918-0087

Q. In thise small party speeches did the SA leaders speak against the Church through orders from the SA leaders?

A. The Church question did not play any part in the speeches or propaganda of either the SA or the party.

Q. Didn't those speeches upon occasion by the higher SA leaders make attacks on the Jewish matter?

A. As far as I know there were no regulations at all in the SA concerning the Jewish questions and no orders concerning the patriot and fight against the Jews. I do admit that in the SA paper "The SA Man", in various articles speeches of an anti-semitic nature occurred.

Q. During these speeches upon the request of the higher SA leaders, were they supposed to have a semi-military attitude concerning the Youth in order to prepare them for a future offensive war?

A. No, never.

Q. What was the original idea of the SA in connection with these election matters.

A I believe I answered that question before. The SA was created as an absolute necessity for self-defense.

Q. What was the reason for the actual necessity?

A. I lived in the Central German Industrial area after 1919 and we almost daily saw members of patriotic groups or organizations being attacked. When patriotic meetings took place ---

CAPTAIN TUBRIDY: Are we back in 1919 and 1920 again?

DR. BOEHM: In 1921

CAPTAIN TUBRIDY: Let's move on. We have had this witness half the morning and well into the afternoon and we have not progressed at all.

DR. BOEHM: You cannot look at it this way because this morning we already discussed questions which were as far as 1945, and which will not be touched upon any more. The SA is accused of having terrorized other thinking political groups and units. I want to prove by this witness that the SA was organized in order to have a defense against the attacks of the other political organizations.

CAPTAIN TUBRIDY: Why don't you ask the witness the latter part of you statement?

H0918-0088

DR. BOEHM: I just did that.

BY DR. BOEHM:

Q. Mr. Witness, will you please answer this question? What was the actual reason for organizing the SA in connection with election meetings?

A. The reason for organizing the SA was so that the parties could hold it's election meetings peacefully. The party meetings had been attacked numerous times, a fact which can be proved by questioning various witnesses or individual SA men.

Q. Isn't it true, especially in the Central German Industrial area where you were, that it was impossible for a National Socialist speaker to speak during a meeting unless he had a technical backing by a certain group of National Socialist party members?

A. Yes, that is the way it was. In Central Germany alone we of the SA and the Stahlhelm had forty three dead and who died during attacks.

Q. There was a state police at that time. Did it not guarantee the safety of the carrying out of these meetings?

A. The police on one hand was too weak and on the other hand some of the members were not unified, and some of the members of the police were in support of terrorists and some of the others tried to uphold law and order.

Q. In other words, wasn't it possible for the police to preserve law and order in these election meetings of the NSDP?

A. No, generally it was not able to do it.

Q. In other words, there had to be created an organization by the parties for the protection of the parties and the meetings to an extent which the police were not able to do?

A. Yes.

Q. Who was the attacking unit or attacking groups during these election meetings? Reason would make us believe

H0918-0089

lieve that the already arganized groups would be the attacking ones?

A The attacking groups, and I can say without any exaggeration, was the enemy group. The SA wasn't armed. The SA was previously searched for weapons and the enemy was not. The enemy had far larger numbers. It was because of Himmler throug his attacks on patriotic meetings that the SA was created.

MR. MASE: Mr. Commissioner, excuse me for interupting. I think the consideration of these political speeches covering the years 1923 and 1924 has nothing to do with the criminal organizations.

CAPTAIN TURBRIDY: Can't we get on, Mr. Boehm, with this phase of the questioni

DR. BOEHM: The SA has been accused that it attacked unarmed persons and I thin it is my duty to bring out through this witness that the SA was not armed.

CAPTAIN TURBRIDY: Why don't you ask the witness initially whether the SA was armed or not.

DR. BOEHM: I want to bring out the fact that the SA was prohibited by the SA leaders to carry any weapons. This question will come now.

CAPTAIN TURBRIDY: Can we move along?

DR. BOEHM: As to whether the SA was armed ot not?

CAPTAIN TURBRIDY: Can't we move along, other that the early phase of the SA, it's early existence?

DR. BOEHM: If I cannot make these points I will not be able to diprove, if I cannot question the witness on these points I will not be able to disprove the charges of the Prosecution.

CAPTAIN TURBRIDY: I fail to see what you are going to reveal in these 1919, 1920 and 1921 happenings a great deal of what he has been charged with.

DR BOEHM: But the fact that the SA was not allowed to carry weapons was not just the years 1919, 1920, and 1921. but up to the year 1933.

CAPTAIN TURBRIDY: You certainly haven't indicated that in all of this line of testimony, Dr. Boehm.

BY DR BOEHM:

Q Would you please explain to me, answer the question whether the SA was autho rised to carry any weapons until the year 1933, and would you please tell us whether there was not an order, a general law prohibiting all organizations from carrying such weapons?

A First of all The SA had strong orders from Adolph Hitler not to carry weapon

H0918-0090

The Sturm leaders themselves searched their men before any kind of a march or meeting in order not to get into any trouble with the police. The reasons given by me for the creation of the SA were not just concerning the years 1919, and 1923, because in my own area the SA was not formed or organized until the years 1927, 1928 and 1929, each time for the same reason, that is self-defense, that is when, in the years that I mentioned before, there was a necessity in these areas.

Q Therefore, what do you say to the point of the Prosecution that the SA had attacked innocent and unarmed people?

A That is not true, but I might add when we were attacked we answered back.

Q Did the SA propaganda use any unlawful methods?

A In no case.

Q In other words, the SA propaganda concerned only SA matters?

A I don't want to say yes or no to that question. The propaganda of the SA is very similar in points to the party's and above all we tried to propaganize and create a comradeship and unity.

Q The prosecution has presented a number of newspapers which were opposed to be propaganda papers for the party, among them, the "SA Men". What connection was there between the newspaper, "The SA Man" and the highest party leadership?

A If I remember correctly, the newspaper of the SA "SA,ann" carried the headlines; "The Official Organ of the SA Leadership." In reality that was not the case since the paper was an individual paper just like any other and belonged to the Eher Verlag Publication Company. The

H0918-0091

newspaper had an editor who was independent from the SA.

Q Was it a private newspaper or a paper that was kept by the SA leadership?

A It was a paper just like any otherm only that it was brought out once a week and belonged to the Eher Verlag Publication Comp ny. The SA leadership did not have any important influence upon the contents of the newspaper.

Q Is it true that the paper "The SA Man" was considered a glamour sheet in the circles of the SA?

A Yes, that is right.

Q Was there any compulsion to buy it, "The SA Man" by members of the party?

A No, if I remember correctly about 200,000 copies were printed and the strength of the SA was one and a half million. It sometimes happened that not even the Sturm had a copy of the newspaper.

Q Isn't it right this paper was prohibited by the Fuehrer?

A Yes.

COLONEL GRIFFITH JONES: Which paper was that, the SA Man?

INTERPRETER: Yes.

BY DR. BOEHM:

Q Did any other papers exist that propagandized in the name of the SA or for the SA?

A We later on had a paper which was not published officially, the "Der SA Fuehrer" or SA Leader. Then there was one called Kampfschriften, and it ceased after a few months. First of all the contents were in no way what the SA leadership wanted, and these things were read by almost nobody. I, for instance, don't know them. There were supposed to have been five thousand copies printed.

Q There was another paper called the Die SA, and was your relationship to this paper the same as it was to the "SA Man" or were there other conditions prevailing in this case?

A Yes, it was a different idea. The Die Sa was published during the war and it was chiefly a liason paper between the man at home and the SA men that were in the field.

H0918-0092

Q Before discussing the paper and the order prohibiting publication thereof, of the "SA Man", do you know what happened to the Editor?

A The Editor was dismissed and he was supposed to be removed by the SA but the beginning of the war stopped these proceedings.

Q Would you please, witness, tell us of the thoughts of the SA men and their families, about their attitude toward different thinking political persons?

A Until 1933 the SA was on the defensive against these inner political enemies, and after 1933, upon order from Roehm the party of the SA was asked to give the hand of peace to it's former political enemies in order to create union, and not only individual persons, but entire groups were taken into the NSDA after the time of 1933 when requested.

Q Isn't it also true that people of other political ideas were taken into the SA and there had a terrible effect upon the group?

A That is true. To that the answer can be found in the sworn affidavits in my memoirs as well as in actual Germans Courts of Record.

Q Do you know that the SA men in their capacity as SA men committed any war crimes?

A May I ask what I am supposed to consider war crimes?

Q I cannot think of any possible way from my talks with other SA men but by the Prosecution the SA has been accused of certain war crimes, and I am wondering whether your duty as a leading SA member could give some kind of information about that?

A War crimes were not committed by the SA. The SA from it's highest staff down to the lowest SA man, to the last man and so I can easily believe why we believed that. ---

CAPTAIN TUBRIDY: We are not interested in his reasons.

H0918-0093

BY DR. BOEHM:

Q The SA has been accused of crimes against humanity. Now individual crimes against humanity by individual SA men have been proven by the Prosecution as far as 1933, and a few cases in 1932, and also a few in 1931, in which members of the Jewish faith were mistreated and beaten. But this only concerns a very few incidents in 1933, and even in 1938 a very low percentage of SA men took part in the demonstrations. I would like to ask you whether these men acted on behalf of the SA leadership and if the SA leadership allowed such crimes or such incidents by SA men?

CAPTAIN TUBRIDY: Before that question is put, do you, counsel, concede that these offenses were committed by members of the SA?

DR. BOEHM: Yes, as far as concerned certain cases.

CAPTAIN TUBRIDY: The answer was yes?

BOEHM: Yes, as far as the cases are concerned upon which sworn affidavits have been brought out by persons named, Glauber, Geist, Sollman. In these cases there were concerned about eight or ten SA members.

CAPTAIN TUBRIDY: The witness may answer defense counsel's previous question.

THE WITNESS: The SA leadership did not order nor allow any crimes against humanity. The SA as an organization, and I can call ever single SA man as witness, did not participate in any crimes against humanity. Wherever, the SA heard of riots or mistreatments by individual members it dealt out strong sentences.

BY DR. BOEHM:

Q Did it also hand out sentences in the cases that took place in 1938?

A It, itself, punished offenders, as well as various civil courts.

DR. BOEHM: Mr. President, I would like to ask about four or five questions about the social work of the SA. They are very short questions and they can be answered in very short ans-

H0918-0094

wors.

CAPTAIN TUBRIDY: Very well, proceed.

BY DR. BOEHM:

Q The SA did do social work and I would like to have those statements confirmed, especially as far as the Wintergilts-work program is concerned.

A The SA always helped in the collection for the winter health program.

Q Did you hear and do you know that the SA has created recuperation homes?

A Yes, the SA had various recuperation homes for members who were sick or SA members that were injuried in industrial accidents.

Q Please give a statement of the settlement progran of the SA.

A The SA created a so-called Dankopfer der Nation, an expression of gratitude by the Nation. For that money was collected from the SA men and from that money apartments were built, one third of which went to SA members, and one third of which went to members of other organizations and one third to people who did not belong to any party. This was left to conductors by SA Obergruppen fuehrer Oberlindober of the organization of the disabled veterans.

Q I wish you would make a statement concerning the honor ranks of the SA?

A The honorary members of the SA did not have anything to say in the SA. They only wore the SA uniform. They had the right in the case of meetings and demonstrations to wear that uniform. The rank that was given to them was more or less an honor or degree for the work or for the duress that they had. They did not have any rights to in any way influence the SA and were not informed by the SA leadership of current developments.

Q I have heard from a number of SA men that I have questioned that the defense in the SA was not merely the same as it is in the army, but that the promotion of members in the SA was not

H0918-0095

done through the work that was done by the individual, but rather by the time spent by an individual

H0918-0096

in the SA, is that right?

COMMANDER FELTON: If the court please, that question is very leading and certainly objectionable in it's present form, it seems to me.

CAPTAIN TUBRIDY: Mr. Boehm, do you have any more questions along this line?

DR. BOEHM: No. I just want to clear this and one more question.

CAPTAIN TUBRIDY: All right, you may answer it.

WITNESS: For the time before 1933 I cannot answer the question. After 1933, not time, but actual work and efforts of the individual SA leadership was responsible for their promotion. If two were present with the same ampunt of work, then the time in the organization was the deciding factor. That was the general principle upon which we worked.

BY DR. BOEHM:

Q. Was it possible that in one Sturm there were five, six or seven sturm leaders?

A. Yes, that was possible.

Q. That there was also at the same time ten Scharfuehrers and twenty Ober Scharfuehrers?

A. Yes, that was also possible, but only one leader or Scharfuehrer in the Sturms and the others, even though they had the same rank, were under him.

Q. Was it possible that in a Sturm there was no Scharfuehrer, there was just a simple regular SA man?

A. Yes, it was possihle, if a group had not received any young replacements that such a case could have happened.

Q. Is the book of Rosenberg known to you?

A. I never read it.

Q. I mean the "Myth of the 20th Century"?

A. I did not read it.

DR. BOEHM: I would like to ask permission of the Court that the further questions to this witness be asked by my colleague, Mr. Aschenauer. I talked to Col. Neave in that connection ahd he told me that there was no objection.

H0918-0097

CAPTAIN TUBRIDY: How much time do you think you will need, Mr. Aschenauer?

MR. ASCHENAUER: It will take a long time. I suggest a recess at this point.

CAPTAIN TUBRIDY: Well, about how long.

MR. ASCHENAUER: Four hours.

CAPTAIN TUBRIDY: I am afraid that will have to be cut down.

MR. ASCHENAUER: I can try.

CAPTAIN TUBRIDY: We will take a recess for 10 minutes.

(A recess was taken.)

BY MR. ASCHENAUER:

Q. What was the importance of the SA after the seizure of power by the Nazi Party in the inner political sector of German life?

A. To answer this question, I would like to use a quote from Stabschef Roehm, which was used by him repeatedly. Roehm used to say to the men of the SA, "Noe, we must justify that confidence which the SA has gained among the German people." He continued to say that it was the task of the SA to deepen the root of communion, and to be a follower of the State machinery. Also, in the fight against resistance movements....

Q. The Prosecution has submitted a document, which carried the number PS-392. I am quoting from that document:

"SA or SS respectively is to be used for the occupation of the buildings of the Trade Unions, and for taking into protective custody the individuals concerned".

Will you please clarify the actual effects relating to that?

COL JONES: Just a moment please, I don't know what the document is.

CAPTAIN TUBRIDY: Mr. Aschenauer, have you got a copy with you?

COL. JONES: Oh yes, I have it. I am so sorry.

CAPTAIN TUBRIDY: Mr. Aschenauer, will you show that to the witness and ask him if he has seen that document before?

(Mr. Aschenauer shows witness the document in question).

WITNESS: May I answer?

H0918-0098

CAPTAIN TUBRIDY: Have you seen the document before?

WITNESS: I did not know the document before. Up to now, I did not know who issued the order. It is a matter of fact that in March 1933, there was expected an uprising against the new administration of Germany. The slogan in all industrial districts was "Beat the Fascists wherever you meet them".

The main points of resistance for that movement were the buildings of Trade Unions. There prevailed a general tendency to crash those Trade Union buildings and among other organizations, the SA and SS were used for that purpose. The reason for such a meausre was that the police force was not considered reliable for that action, and that mistrust was pleased on the police on the basis of experience in the past years.

As far as I know, the orders for the occupation of the buildings of the Trade Unions were issued partly by the State authorities, and partly by the Party authorities. Such orders were issued to frustrate, from the very beginning, the threatening uprising. The order for the use of SA forces for that purpose was not issued by word, but was approved by word. After the capture of the buildings of the Trade Unions, the SA units in most cases were retired immediately on the same day.

Q. Who originated the dossolution of the Trade Unions? Was it the job of the SA leadership, or did the order emanate from the SA leadership.

A. Most certainly the orders for the dissolution of the Trade Unions were not issued by the SA leadership. Certainly not by Roehm. I can only suppose from whom that originated.

Q. What was the motive to dissolve the Trade Unions?

A. The Trade Unions were partly a class orgeization. It was the intention of Dr. Ley to creat the Deutsche Arbeitsfront, an organization composed of people who were engaged in any kind of undertaking, both employer and employee, because he wanted to create a unified front of working people, and therefore he desired to dossolve the Trade Unions.

Q. You stated before that they had issued their members aramament? Were any of these arms ever found?

A. Yes, there are instances of captured arms, and those arms were particularly requested by and turned over to the police.

H0918-0099

Q. How could it happen that in completing this campaign against the Trade Unions, the impression was created that it was carried out exclusively by the SA and not the SS?

A. At that time the general uniform for all belonging to the Party was the same. It was a brown shirt, and it was the same uniform cap. The SS was onlt distinguished by a black ribbon. Wherever such brown shirts made an appearance, the impression was created that it was the SA, even if the SA didn't participate at all.

Q. Did the SA derive any financial advantage from the confiscation of the property of the Trade Unions?

A. I believe that I can most certainly answer that question in the negative;

Q. Did the SA perform any other confiscations?

A. Yes, I know that the SA confiscated the property and installations of athletic associations of political enemies.

Q. Who issued the orders for such measures?

A. That, I don't know.

Q. And what were the motives?

A. The motive was, in all cases, to frustrate any resistance movement.

Q. Did the SA derive any financial advantages from such meansures?

A. No, the funds were always turned over for public funds, and I happened to have come across a court sentence referring to such an instance. In that instance, members of an SA formation who wanted to retain funds, not for themselves, but for their SA formations, were punished by high fines because they had made that attempt. The individual was Obersturnbannfuehrer Hill, who belonged to Sturnbann 308. Also, Haupsturnfuehrer Schaller. The sentence was pronounced by the Court at Dresden. I myself know that Schaller submitted an appeal for pardon to Stacschef Lutze, and Lutze refused to grant that pardon.

Q. Is the transfer of the Trade Unions to be interpreted as a revolutionary measure? If one has in mind, for instance, the transfer of the Unions as it took place in the cities of Halle or Cotbus, would that apply?

H0918-0100

A I am in no position to express opinions here. Such a transfer was ~~ordered~~ by Dr. Ley merely as a revolutionary measure. I only knew that the SA leadership had nothing to do with the initiating of that transfer. As a matter of fact, I might stae, however, that in some places, and I might add, that at that time I was still engaged in mining and had good connections with the Trade Unions in those places, I might say that the transfer was accomplished without any friction, and officials of the Trade Unions were taken over by the new set up in most positions.

Having read the indictment, I noted a few names of secretaries of Trade Unions who had been transferred from one set up to the new.

Q Could you mention a few names?

A Hesse, Kolh, Kubach, and Holsapple. These are four names which I remember from the city of Halle.

Q What was the position of the chiefs of Staff of the SA in regard to the transfer of the Trade Unions?

MR. MASE: May I call attention to the Commissioner again that the witness is using notes.

CAPT: TUBRIDY: Could we please have your testimony without the use of your notes?

WITNESS: I was permitted, this morning, to testify as far as possible without using my notes. I used my notes only when I used my glasses, because I could not read them without my glasses.

CAPT. TUBRIDY: We would like to have you testify without the use of your notes.

BY MR. ASCHENAUER:

Q What attitude did Stabschef Roehm take in regard to that campaign of which we have been speaking?

A Stabschef Roehm took, in that matter, a position entirely different from that taken by Dr. Ley. Roehm desired to gain the Trade Unions and not to destroy them.

Q In that connection, therefore, there existed a terrible conflict between Ley and Roehm?

A Yes.

H0918-0101

Q Did that conflict of opinions have an influence also on the Social program of the SA? I mean, what kind of a social program did Roehm wish to realize?

A It was the desire of Roehm to gather all forces on a social basis..

M. MONNERAY: We are not dealing with the social program of the SA or of any organization.

MR. ASCHENAUER: May I point out first that the indictment has dwelled on the subject of the occupation of the Trade Unions. Secondly, the indictment claims that the Nazi Party, or the SA, is for one common unity. For this reason, the defense must be permitted to disprove those points of the indictment. For this reason, I have to dwell on conflicting points of view in the Nazi Party or one of its sub-organizations. I have to do that also in connection with documents I am presenting because as a last witness, I wish to present a man who will show the terrible conflict among personalities in the Party. These conflicts were not only of a personal nature, but were also of deep thought.

CAPT. TUBRIDY: I do not think that matter is an issue.

MR. ASCHENAUER: To what matter are you referring?

CAPT. TUBRIDY: To these deep political differences in the Nazi Party.

MR. ASCHENAUER: I have to put those questions because in connection with the case, the little importance or the lack of all importance of the SAis to be proven.

COL. SMYRNOV: Do you really believe that the psychological discussion relating to the case of Roehm has anything to do with the case which we have to decide right now?

CAPT. TUBRIDY: Could you confine yourself to the issues with which the SA is charged?

MR. ASCHENAUER: May I say that my questions have a definite relation to the charges of the indictment. The first charge is that the SA has been a tool of the conspiracy in the struggle for power during the years 1921 to 1933, and that it was merely one phase in that proposed conspiracy. The other is the offensive war in Europe. For that reason, all hostile forces had to be eliminated by terror. The social program of Roehm is in relation

H0918-0102

to that, therefore I ask, what was the attitude of Roehm to all of these questions?

We are concerned here, not with psychological questions, as the Russian Prosecutor states, but we are concerned with factual questions. I therefore must ask for an answer to my question.

CAPT. TUBRIDY: Can the defense counsel point to what question of the Prosecution's case he is trying to reply in these questions?

MR. ASCHENAUER: I am referring to the resolution of March 13, 1946, Chapter 6A, No. 1 and 2.

CAPT. TUBRIDY: No, Mr. Aschenauer, I said, to what paragraph of the Prosecution's case.

MR. ASCHENAUER: The problem of the Trade Unions. It states . . . "One common unity. . . "

CAPT. TUBRIDY: Can you give us the reference at what page of the record of the Prosecution's case does this matter appear?

H0918-0103

MR. ASCHENAUER: I do not have it right here. The indictment charges that the Nazi Party and the SA fought one common unity, and that would mean they had one common goal and purpose.

CAPT. TUBRIDY: You have not answered my question. Can you, or will you, give us the number of the page in the record to which this matter is referred?

MR. ASCHENAUER: To that point of the indictment which charges that the SA and Party formed one comm n unit.

CAPT. TUBRIDY: Mr. Aschenauer, I have mentioned the record, not the indictment. Will you please listen to the question? I would like to know where you can point to this matter in the record in the Prosecution's Case? Do you understand what is meant?

MR. ASCHENAUER: Page 1527 of the minutes of December 18.

MR. MASE: Is that the German text?

MR. ASCHENAUER: Yes, the German text. Page 1527 of December 18. I quote:

"Uniform purposes and goals ...".

COL. SMYRNOW: What is the connection between the common coup d'etat and the purpose and goals?

CAPT. TUBRIDY: Mr. Aschenauer, can we confine the discussion to one thing? We are trying to find out what the Defense Counsel is trying to prove. What does the rest of that section on Page 1527 say?

MR. ASCHENAUER: "...The Chief of Staff of the SA is the representative of the Fuehrer in the SA as one common unit." I have here before me the summary of the criminal elements as given by Justice Jackson, and he mentions there the use of force in the dissolution of the Trade Unions.

My questions therefore, are twice justified in a twofold manner. Once in connection with the activities relating to the Trade Unions, and secondly on the basis of the claim of the State Attorney who stated that the Nazi Party and the SA formed one unit.

CAPT. TUBRIDY: I would like to ask the witness a few questions.

BY CAPT. TUBRIDY:

Q Was the SA instrumental in any way in the dissolution of the Trade Unions?

A The dissolution of the Trade Unions was no concern of the SA.

H0918-0104

Q The question was, was the SA instrumental in causing in any way the dissolution of the Trade Unions?

A The SA was used only to annihilate strong points which could have been used in the threatening uprising.

CAPT. TUBRIDY: Will you go on, Mr. Aschenauer?

BY MR. ASCHENAUER:

Q I am quoting from page 1530 of the German text of theproceedings.

"In accordance with such an order as proven yesterday, the SA has been used for the destruction of the Trade Unions."

I continue quoting: "To give the SA the responsibility of carrying out political tasks of the Party . . ." And from thelast sentence of the German proceedings, page 1531, "a further proof of the participation of the SA in the criminal conspiracy of the Nazi Party is the 5 volumes of the periodical, 'The SA Man'".

In regard to the campaign against the Trade Unions, the responsibility is given to the SA. For that reason, it is my task: to prove that the Roehm Putsch meant the break in the SA and the importance of theSA, and therefore I have to dwell on Roehm and his Putsch. Imay finally quote another document. I am referrin g to the law concerning the unity of State and Party in which the SA has been described as an organization of the Party. By that law, there should be proven the uniformity of purposes of Party and SA. From that law, the indictment drew the conclusion that there was a common unity of the Nazi Party and its formations, and the case of Roehm proves that that contention is incorrect. For that reason again, I have to put that question.

CAPT. TUBRIDY: Are you trying to prove by the Roehm Putsch that the Nazi Party was not responsible in any way for the alleged persecution? Is that your point?

MR. ASCHENAUER: I desire to prove that the SA was not a tool of that conspiracy. That the SA could not be such a tool because it had been eliminat. It had been eliminated in the year 1934, and therefore the SA could not be charged with any responsibility for any subsequent developments.

CAPT. TUBRIDY: When was this witness, the Deputy Chief of Staff of the SA?

H0918-0105

WITNESS: I was the Deputy Chief of Staff from November 1939 on and I was a member of the Staff of the Chief of Staff since November 1933. I therefore am completely acquainted with the position which Roehm took with regard to social questions as well as in regard to militarism.

CAPT. TUBRIDY: I think what you are attempting, if I understand, is that you are trying to prove Roehm's position on social questions. That can be dispensed with. I do not think the Tribunal will consider that type of testimony relevant.

MR. LSCHENAUER: I do consider these matters as relevant because I wish to submit to the Court material yet unknown to the Court bearing also on questions of Foreign Policy. I also would like to stress that the indictment has used documents which had been thrown out of their proper connection and they actually belonged in the struggle around Roehm.

H0918-0106

CAPTAIN TUBRIDY: What are the documents?

MR. ASCHENAUER: I am referring to the documents PS-2821, which has reference to military matters, and PS-2822 and 2823. Fr these three documents one can learn that the Case of Roehm stretch from social questions to military questions and through them to questions of Foreign Policy.

CAPTAIN TUBRIDY: It seems to me that we are getting far afield in this thing. I would suggest that what you should do is to get the parts of the documents which are documents 2821, 2822, and 2823, which you indicate have been set forth by the Prosecutio incorrectly, and take the excerpts which have been removed from th text, and then report the meaning of the true text. But I do not see the connection between your line of questioning to the witness and this other line which you have just brought in.

MR. ASCHENAUER: Just to be able to do that I have to take some time. I have to dwell on the following two points: The SA as a tool for the suppression of the Trade Unions, and the SA as a tool for the completion of offensive warfare. For that reason, both questions are inter-related and connected with each other.

CAPTAIN TUBRIDY: Very well, will you go on to disprove that the SA was a tool in furthering offensive warfare.

BY MR. ASCHENAUER:

Q I have to dwell on the questions of the Trade Unions because the indictment charged that the Trade Unions had been resolved to get rid of an element which could have opposed aggressive warfare. I therefore, with permission of the Court, would lik to ask, what were the social goals of Roehm?

A One, in connection with the labor movement, to keep the Trade Unions in existence. Secondly, he desired an entirely militaristic socialist people's Army.

Q Was it the purpose of the meeting called by Roehm to take place at Kulmbacher Tagung to demonstrate against the dissolution of the Trade Unions as conceived by Ley?

A Early in 1934, Roehm invited leaders of industrial

H0918-0107

employees and also trade union representatives, irrespective of their Party affiliations, to participate in a conference. At that occasion, all participants should have an opportunity to discuss the problems freely, and without any limitations. They should discuss there everything which was their concern and it was Roehm's intention to proclaim there his social aims and goals. He desired to obtain an uncolored picture of the consequence of the program initiated by Ley. He wanted to be able, if possible, to take measures to remedy the situation. The death of Roehm on June 30, 1934, made the accomplishment of that goal impossible.

Q Were the conflicts in the Nazi Party in that connection new?

A No, these conflicts were not new. For instance, Roehm had been in agreement on the Trade Union question only with Gregor Strasse.

Q Were there also conflicts of opinion with the Reichsschatzmeister Schwarz, the man in charge of the Finances of the Party?

A I do not know whether that conflict with Schwarz was in regard to that question but I do know there were conflicts on that question with regard to other members.

Q Isn't it true that Schwarz destroyed the program of Roehm?

A The institution called Nothilfe, which was a social and welfare fund of the SA, was destroyed and the main source in that was Bormann. The purpose of that institution was to secure employment, and to secure living accommodations and give other kind of social assistance to SA men.

Q Did these conflicts develop only in the so-called period of struggle before the seizure of power?

A Yes.

Q What groups of personalities were facing each other in these conflicts?

A There were various groups of personalities involved.

H0918-0108

Droschsler against Hitler; Esser against Buttman; Hitler against Dinter in the church question. Roehm against Strasser.

COL. SMYRNOV: It seems that we are making the same mistake that we made earlier by going back to the early history of the Party.

MR. MASE: I would like to add that this is a matter of historical knowledge. The question of internal conflict is quite irrelevant to the questions which are now before us.

CAPTAIN TUBRIDY: It has been indicated that questions which you are asking are irrelevant. If that continues, we will have to dispense with this witness and you will have to call another. Could you please direct your questioning to the activities of the SA?

MR. ASCHENAUER: I asked whether there were any matters of principles involved in the conflict around the Church question.

CAPTAIN TUBRIDY: Have you a reference to the conflict between the SA and the church?

MR. ASCHENAUER: My question refers to a conflict between SA, SS and political leaders.

CAPTAIN TUBRIDY: Was the question concerned with the church before? What is your question directed to at this moment?

MR. ASCHENAUER: Were there matters of principle involved in the conflict around the church question? Conflicts of opinion between SA, SS and political leadership, represented by Roehm, Bormann, and

H0918-0109

Himmler?

CAPTAIN TUBRIDY: What is the relevancy of that question, may I ask?

MR. ASCHENAUER: The SA is charged with the persecution of the church.

CAPTAIN TUBRIDY: Let us then confine it to whether or not the SA persecuted the church.

MR. ASCHENAUER: There are innumerable documents referring to Bormann and equally innumerable documents referring to Himmler and therefore it is quite necessary to demonstrate their connection to the SA and to their persecution of the church. From that conflict, we can draw the conclusion as to the real relationship of the SA to the Church.

CAPTAIN TUBRIDY: Was there any conflict between the SA and the church?

WITNESS: No.

CAPTAIN TUBRIDY: There was no conflict whatsoever?

WITNESS: No, Roehm himself was a member of the church. Lutze rejected a proposal made to him by Bormann to the effect that SA men should leave the church. I, as Deputy Chief of theSA, was a church member and Lutwe was well aware of that fact. Consecration of SA flags in SA places were performed in church buildings. They exercised an order by the SA leadership that there should not be any SA services scheduled for the time when divine services were held, and at any rate, not to pass by churches marching and singing while divine services were going on at the time.

BY MR. ASCHENAUER:

Q What was the attitude of the SA toward the racial question, particularly to Himmler's theories of a master race?

A The racial question, and the question of a master race did not play any part in the philosophy and the training program or propaganda of the SA, neither under Roehm or his successor, Lutze.

Q What position did the SA take in regard to marriage, particularly in regard to that position toward marriage as it was taken by a member in the Party, and especially by Himmler?

A In that question, we differed strongly from the point of view as represented by the SS.

H0918-0110

Q And what was the position which Roehm took towards the Nazi idealogy of Rosenberg? Roehm, in his position as Chief of Staff of the SA, and as leader of the SA, took what position?

A I previously stated already that the book, the "Myth of the 20th Century" by Rosenberg did not play any role in the SA, and that most of its members never even read it. Roehm himself was much too uncomplicated a personality and much down to earth that he would not have concerned the SA men with such a type of philosophy. His only program was a realistic training of SA men, particularly in the theory of socialism.

Q What was the effect of those conflicts between the SA and SS in the Nazi Party?

A The SA went its own way as I have shown. At least, under Roehm, it didn't allow the leadership of the Party to influence its cause.

Q What were the domestic aims of Roehm?

A I would like to quote again the words of Roehm which I quoted before, "that it was the purpose of the SA now, after the seizure of power, to justify the confidence which the Party had given it among the German people and to increase the feeling of comradeship and to strengthen it." But one thing is certain, Roehm did not desire a politial State and as he always expressed himself, to "create martyrs".

Q What were the strategic aims of Roehm?

A The aim which Roehm pursued in reference to military matters and military training were in opposition to other forces which finally brought about his defeat. Roehm desired the creation of a people's military force.

Q Did Roehm plan to create such a military force in the course of negotiations with the Western powers, or did he want to bring it into existence as a fait accompli?

A Without any doubt, Roehm desired to reach that goal only by negotiations and I personally witnessed a number of his conversations before 1933 when he expressed himself that way.

CAPTAIN TUBRIDY: Mr. Aschenauer, how many more questions have you?

MR. ASCHENAUER: By now I have exhausted only 1/3 of the questions.

H0918-0111

CAPTAIN TUBRIDY: I am afraid that we cannot have the witness tomorrow for that length of time. I think we will adjourn.

(The Court adjourned at 1655 hours.)

The foregoing is a true and correct transcript of the testimony of taken on 28 May 1946.

Alice Meehan

Reporter

Charles J. Gallagher

Reporter

Rose W. Cook

Reporter

Piilani A. Ahuna

Reporter

CERTIFIED TO:

Joseph F. Tubridy

Commissioner

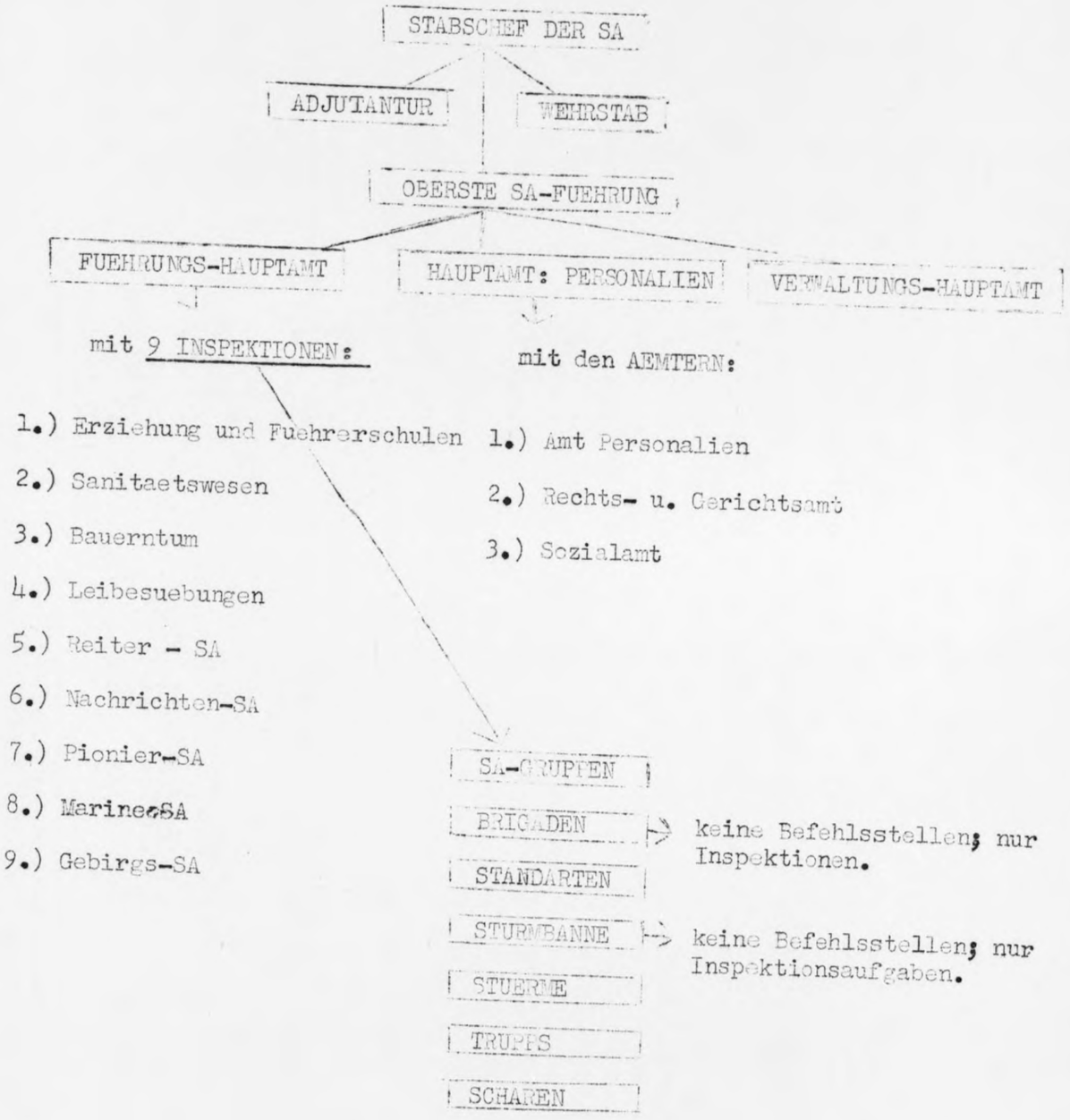
H0918-0112

Defendant Organization SA

Exhibit No. 3 a

Witness Max Juettner

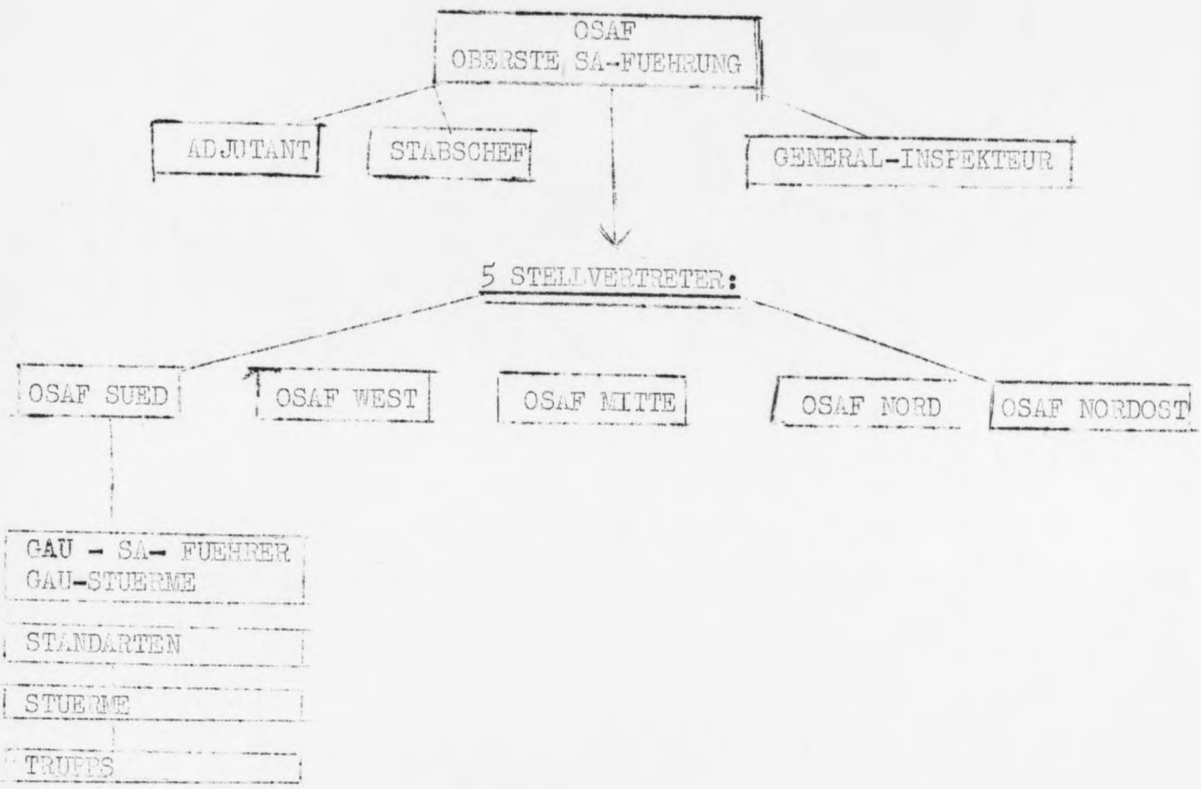
GLIEDERUNG DER SA NACH DEM STAND 1939



H0918-0113

Defendant Organization SA

Exhibit 3 b

Witness Max Juettner

GLIEDERUNG DER SA VOR 1931